

The *Paix des Braves* Agreement of 2002: An Analysis of Cree Responses

George Oblin

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in

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## ABSTRACT

### ***The Paix des Braves Agreement of 2002: An Analysis of Cree Responses***

George Oblin, Ph.D.

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The original contribution of this thesis is the juxtaposition of postmodernist notions with Cree societal issues, an approach that offers a new perspective on contemporary Cree reality and opens up a broader discursive space within which to consider the challenges the Cree are facing. This case study of Cree responses to the *Paix des Braves* Agreement of 2002 provides material evidence for a qualitative, contextual, genealogical analysis of existing social and communicative practices, including discursive practice, competing ideologies and organisation and power. Various social practices constitute what is conceptualised as communication. In order to understand communication from this perspective, it is important to focus on such practices. There are communicative aspects to matters of social organisation, leadership and decision-making, and values and ethics. Since all these practices have been undergoing rapid change for the Cree of northern Quebec, especially in the last few decades, the people are struggling to position themselves within this new reality and find a way to articulate it. The Agreement considered in this thesis is one reached between the government of Quebec and the political leadership of the Cree of James Bay, northern Quebec on major developmental issues. Its touted benefits were recognition of Cree interests over all the Cree territory and economic benefits totalling approximately \$3.5 billion for the fifty-year duration of the Agreement. Opposition to the Agreement was based on perceived lack of consultation, haste and secrecy in signing, and probably foremost, the

sense some had that their leaders had sacrificed the land for economic gain. The purpose of this thesis is not to favour any discourse on the issues pertaining to the *Paix des Braves* but to attempt to understand the conditions of their emergence. These conditions include a long-held tradition of decision-making through consensus, on the one hand, and external pressures from governments and industries to align Cree modes of governance and functioning with mainstream ones, on the other. Cree responses have been mixed and often based on totalising and essentialist notions, such as with regard to what it means to be Cree or pertaining to progress and development. Employing a genealogical approach implies accounting for social practices and meanings without conceptualising the subject in a transcendental or essentialist way. It also entails tracing how norms that are often assumed and taken for granted within a particular social context are linked to regulative rationality. By focusing on the social construction of such notions it is hoped that a better understanding will result and that possibilities of action for the Cree will emerge.



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*Meegwetch.*

George

*Dedicated to the Eenuch/Eeyouch  
of  
Eenou/Eeyou Istchee*

*In fond remembrance of  
Gail Valaskakis  
and  
Willie J. (Wallo) Trapper*

## Acronyms

AGA	Annual General Assembly
AIP	Agreement in Principle
CBC	Canadian Broadcasting Corporation
CBHSSJB	Cree Board of Health and Social Services of James Bay
CNYC	Cree Nation Youth Council
CRA	Cree Regional Authority
CRTC	Canadian Radio-Television and Telecommunications Commission
CSB	Cree School Board
CTA	Cree Trappers Association
GCCQ	Grand Council of the Cree of Quebec (now known as GCCEI)
GCCEI	Grand Council of the Cree of Eeyou Istchee
GPS	Global Positioning System
HBC	Hudson's Bay Company
HQ	Hydro-Québec
JBACE	James Bay Advisory Committee on the Environment
JBCCS	James Bay Cree Communications Society
JBNQA	James Bay and Northern Quebec Agreement
MBJ	<i>La Municipalité de Baie-James</i> (Municipality of James Bay)
MNR	<i>Ministère des ressources naturelles</i> (Ministry of Natural Resources)
MOU	Memorandum of Understanding
NBR	Nottaway, Broadback and Rupert

**Acronyms (cont'd)**

NFA Northern Flood Agreement

PQ Parti Québécois

SDBJ *Société de développement de la Baie James* (James Bay Development Corporation)

SEBJ *Société de l'Énergie de la Baie James* (James Bay Energy Corporation)

## Profile of Cree Communities

For those unfamiliar with the terrain, it may be useful to situate the Cree<sup>1</sup> of northern Quebec and their land. Their land is known to them as *Eenou Istchee*<sup>2</sup> or *Eeyou<sup>3</sup> Istchee*<sup>4</sup>; literally, the land of the people. It occupies an area of approximately 375,000 square kilometres<sup>5</sup> (Feit, 1989, p.172). There are approximately 15,000 people belonging to one or another of the nine officially recognised<sup>6</sup> Cree First Nations, also informally referred to as Cree communities. Geographically there are five coastal communities: Whapmagoostui, Chisasibi, Wemindji, Eastmain, and Waskaganish. The four inland communities are Nemaska, Mistissini, Oujé-Bougoumou, and Waswanipi. The language spoken by the Eastern Cree is divided into two distinct dialects. The northern dialect is spoken by Whapmagoostui, Chisasibi and Wemindji. The southern dialect is spoken by the other communities (Daisy Herodier, personal communication, July 9, 2007). The coastal Cree have been historically referred to as “Wiinibeyk Iiyuu” and designated as “the homeguard” by the Hudson Bay Company (hereinafter HBC). The inland Cree have been historically referred to as “Nuuhcimiihe Iiyuu” (Francis & Morantz, 1983, p.11). The latter are also commonly referred to as the inlanders.

The northernmost Cree community is known to the Cree as Whapmagoostui, “place of the beluga.” Located at the mouth of the Great Whale River, which flows into Hudson

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<sup>1</sup> The term for “the Cree people” in the coastal dialect is *Eeyouch*, and in the inland dialect *Eenouch*. The singular form is *Eeyou* and *Eenou* respectively.

<sup>2</sup> This is the name of the Cree territory in the inland dialect.

<sup>3</sup> This is the name of the Cree territory in the coastal dialect.

<sup>4</sup> There are alternate spellings, e.g. “Astchee.”

<sup>5</sup> See map of *Eeyou Istchee* on p.xiv.

<sup>6</sup> There are presently 9 officially recognized communities. A 10<sup>th</sup> community, Washaw Sibi, is in the process of being established. There is also a community of Cree in northern Ontario known as Mocrebec that has roots in *Eeyou Istchee*.

Bay, it adjoins the Inuit village of Kuujjuarapik. Whapmagoostui is also known by its French and English names, respectively Poste de la Baleine and Great Whale. HBC trading posts were established there from 1813-1816 and 1856-1869, then continuously from 1878. Whapmagoostui was mainly a summer encampment until the 1950's. A permanent settlement was established there in conjunction with the establishment of the Mid-Canada Defence Line in 1955; the military base closed in 1964. Whapmagoostui is now the only Cree community inaccessible by road (Aanischaaukamich, n.d.). The population of Whapmagoostui as of April 2007 was 815.

Moving south towards James Bay is the community of Chisasibi, meaning “great river.” This community, the largest of the Cree communities, has existed at its present mainland location only since 1981. It was known as Fort George and located on Fort Georges Island, formerly Governor’s Island, prior to its relocation following the JBNQA. Fort George, at times written as Fort Georges, started out as an HBC trading post. It was named after the Scottish Métis who built the post in 1837, Georges Atkinson (James Bay Road website). The population of Chisasibi as of April 2007 was 3,746 (GCCEI/CRA, 2007).

To the south of Chisasibi lies the community of Wemindji. The name “Wemindji” comes from “wiimin uchii,” which means “red ochre mountain.” Wemindji was previously known as Old Factory, Vieux-Comptoir, and Paint Hills (Cree nation of Wemindji, n.d.; James Bay Road website). It relocated to its present site at the mouth of the Maquatua River in 1958 from a little island on Vieux-Comptoir River 45 kilometres south of its current location. The population of Wemindji as of April 2007 was 1,252 (GCCEI/CRA, 2007).

South of Wemindji is the community of Eastmain, previously known as the trading post of East Main House. It is situated a bit inland from James Bay on the south shore of the Eastmain River. It is also known as *Wapanoutauw* although the community has never officially adopted that name (James Bay Road website). There are however organisations within the community that use the name with the alternate spelling *Wabannutao*; e.g. Wabannutao Eeyou Development Corporation, Wabannutao Eeyou School, and Wabannutao Eeyou Telecommunications. The population of Eastmain as of April 2007 was 592 (GCCEI/CRA, 2007).

The southernmost coastal community is Waskaganish, meaning “little house.” It has previously been known as Rupert House, Fort Charles and Fort St-Jacques. Waskaganish is located near the tip of James Bay at the confluence of the Nottaway, Broadback, Rupert, and Pontax rivers on the south shore of the Rupert River. It was the site of the first HBC trading post, in 1668. The population of Waskaganish as of April 2007 was 1,905 (GCCEI/CRA, 2007).

Inland from Waskaganish is the community of Nemaska, which means “where the fish abound.” This community, situated on Champion Lake, is the least populated of the Cree communities. It is also the seat of the joint Cree political and administrative governing body, the Grand Council of the Cree of Eeyou Istchee/Cree Regional Authority (hereinafter GCCEI/CRA). The present village was established in 1980, approximately 60 kilometres northeast of its former site where the HBC had operated a trading post that closed in 1970.

The site had been used by French and English traders since 1661. Nemaska lies ten kilometres north off the North Road (Km 300) on the western shores of Champion Lake. (Cree nation of Nemaska, n.d.; James Bay Road website). The population of Nemaska as of April 2007 was 656 (GCCEI/CRA, 2007).

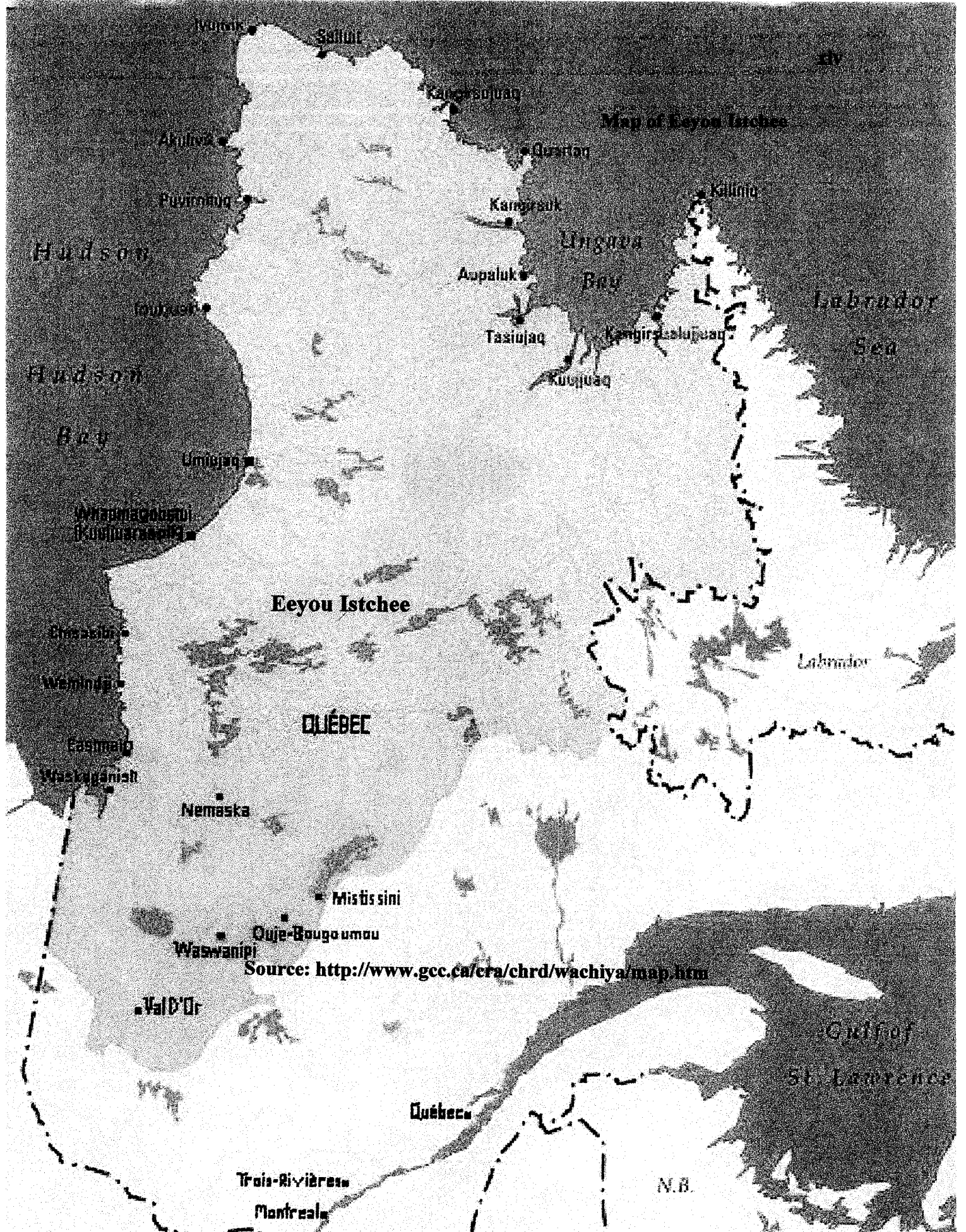
Mistissini, previously known as Mistassini and Baie du Poste, is situated at the southeastern tip of Lake Mistassini. The name means “the place of the big stone.” (Scanlon, p.12) Its present location was a summer encampment in the early 1800s that served as a trading site with the HBC and the North West Company. (Cree Nation of Mistissini, n.d.). The population of Mistissini as of April 2007 was 3,088 (GCCEI/CRA, 2007).

Oujé-Bougoumou, meaning “the place where people gather,” is the most recently established officially recognised Cree community. It is accessible by road via Highway 113, between the municipalities of Chapais and Chibougamau. This community regroups families that were forced to relocate seven times over a period of fifty years due to mining and forestry activities in the area. The development of the community at its present site on Lake Opemisca was facilitated by federal funding secured through the Oujé-Bougoumou/Canada Agreement in 1992. (Oujé-Bougoumou, n.d.). The population of Oujé-Bougoumou as of April 2007 was 658 (GCCEI/CRA, 2007).

The southernmost Cree community is Waswanipi. The present site is on Highway 113 between Desmaraisville and Chapais. The Waswanipi River runs just south of the community. The Waswanipi band members relocated to its present site shortly after the



signing of the JBNQA in 1975, about a dozen years after having abandoned its previous location on an island at the north end of Lake Waswanipi known as Waswanipi Post. HBC had pulled out in 1964 and, according to the Anglican clergyman James Scanlon, “gradually with great reluctance, the people moved out too, having become largely dependent on the store for their food supply” (Scanlon, 1975, p.34). The name *Waswanipi* means *light on the water*. Scanlon provided the following account, from a letter from Reverend Harry G. Cartlidge in 1962, on how Wawanipi got its name: “On the river below the H.B.C. post there is a small rapid. In the old days, when the river was running open in the spring of the year, the Indians used to spear sturgeon at night, using birch bark torches for illumination... hence the name Waswanipi, meaning The Torch Lit Water” (Scanlon, p.38). The population of Waswanipi as of April 2007 was 1,500 (GCCEI/CRA, 2007).



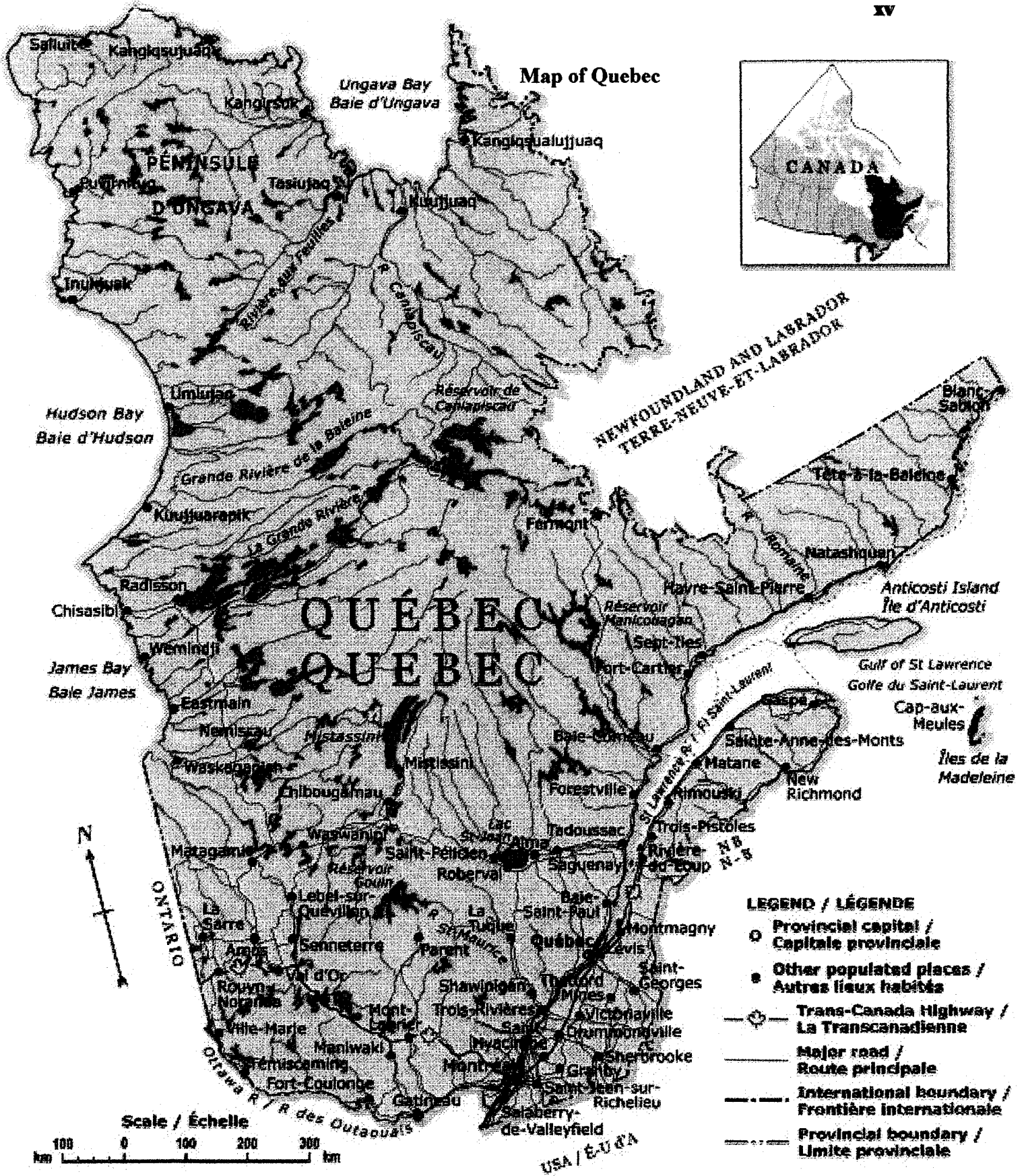
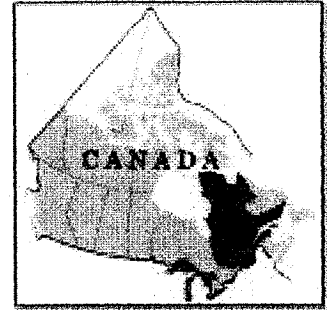
Map of Eeyou Istchee

Eeyou Istchee

QUÉBEC

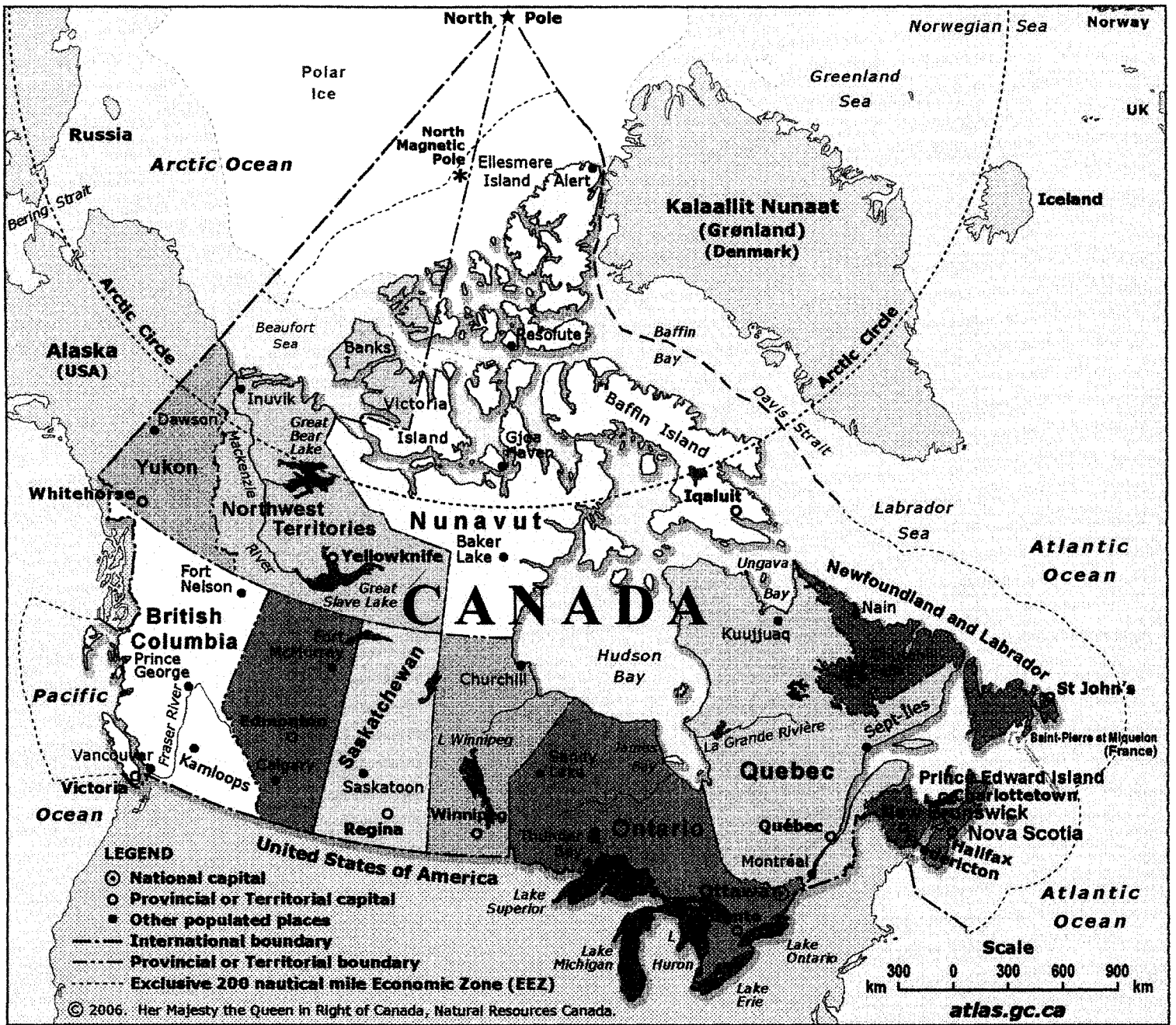
Source: <http://www.gcc.ca/cra/chrd/wachiya/map.htm>

### Map of Quebec





### Map of Canada



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## The *Paix des Braves* Agreement of 2002<sup>7</sup>: An Analysis of Cree Responses

### Introduction

The purpose of this thesis is to provide a perspective on Cree communication and discourse through a genealogical study of Cree responses to the *Paix des Braves* Agreement of 2002.

The Agreement in question is one reached between the government of Quebec and the political leadership of the Cree of James Bay, northern Quebec, on major developmental issues. Ted Moses, Grand Chief of the Cree when the *Paix des Braves* Agreement was signed in 2002, described it as “a nation-to-nation agreement.” Its touted benefits were the “recognition of [Cree] traditional and non-traditional interests over ALL [Cree] territory” (*Nation*<sup>8</sup>, 8, 25, Nov.2, 2001, p.17). The economic benefits amounted to at least \$3.5 billion for the fifty year duration of the Agreement (ibid, p.5). Opposition to the AIP was based on a number of concerns, including the perceived lack of consultation on the part of the Cree leadership with the Cree population, the perceived haste and secrecy in signing, and probably foremost, the sense some had that their leaders had sacrificed the land for economic gain. The Cree publication, the *Nation*, reflected this most troubling concern in the wording of its cover page headline of its November 2nd, 2001 edition, shortly after the AIP was announced. It read: *Saviours or Sellouts?*

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<sup>7</sup> The English title of the *Paix des Braves* Agreement is *Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec*. Minor modifications were made from the time the agreement first appeared as the Agreement in Principle (AIP) to the time of the signing of the agreement, by then referred to as the *Paix des Braves*, on February 7, 2002. These differences reflect fine tuning of the AIP and did not substantially change the essence of the Agreement.

<sup>8</sup> The Cree publication published by Beesum Communications is commonly referred to as “the Nation,” but only the word “Nation” appears on the cover of the magazine. This is perhaps because of the existence of another magazine called “The Nation” published in New York.

It would perhaps be useful, at this point, to explain my choices of subject matter, time frame, and approach. My M.A. thesis had dealt with the Cree but on an entirely different issue. The thesis was entitled, “A Perspective on communications development and training needs for the James Bay Cree of northern Quebec: A Case study.” The subject matter for that thesis was “communications,” particularly radio<sup>9</sup>, whereas this thesis is on “communication,” as I understand the term.<sup>10</sup> I was trying to come up with another research subject pertaining to the Cree for my Ph.D. thesis when I first heard about the AIP, as it was first referred to in the fall of 2001<sup>11</sup>. The reason I immediately became interested in considering it for my research was the feeling I got that it was a *hot issue* for the Cree. Without fully understanding why, I sensed that there was an important communication element to be considered because of the apparent lack of consensus on the matter. Consensus had been important in the past and had been reached with regard to the JBNQA in 1975, in spite of concerns about the hydro-electric development projects stemming from that agreement. I had understood consensus in that situation as support for the Cree leadership in negotiating the best possible deal for the Cree people under the existing circumstances. But with this AIP in the fall of 2001, the Cree seemed much more divided. They no longer spoke with one voice, as it seemed they had done in the past. Wanting to understand why that was motivated me to choose this subject for my research. It seemed obvious that the main time frame would be from when the

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<sup>9</sup> At the time, I was working as Community Radio Coordinator for the James Bay Cree Communications Society.

<sup>10</sup> That difference is considered in the Conceptual Framework but, briefly here, I will explain my understanding of the distinction as *communications* pertaining to mediated communication, and *communication* relating to a broad spectrum of social practices brought together conceptually under that term. What these practices have in common is an exchange of thoughts, ideas, feelings, or beliefs.

<sup>11</sup> In the fall of 2001, I was a teacher for Sabtuan Adult Education in the Cree community of Oujé-Bougoumou.

negotiations took place between the Cree leadership and the Quebec government in 2001 to the present time. A secondary time frame would span from the early 1970s, when the Cree were called upon to defend their rights over *Eeyou Istchee* because of Premier Bourassa's hydro-electric development plans for northern Quebec, to 2001. The developments in the early 1970's led to a unification of the Cree both socially and politically, leading to the establishment of the Grand Council of the Cree of Quebec/Cree Regional Authority (GCCQ<sup>12</sup>\CRA) and other *regional* Cree entities such as the Cree School Board (CSB) and the Cree Board of Health and Social Services of James Bay (CBHSSJB). A third time frame would be prior to the 1970's, with a focus on the traditional subsistence lifestyle and all its implications for communication.

My interest in a postmodernist and Foucauldian approach was a gradual progression from an earlier interest in the works of Grossberg (1997, 1995), which led me to British Cultural Studies, particularly Stuart Hall (1991, 1977), then to Foucault (2006, 2000, 1998, 1997, 1978, 1972), Deleuze (1988), and Lyotard (1988, 1984). My preference for Foucauldian and postmodernist notions is considered throughout this thesis but, briefly, their greatest appeal for me is their refusal of essentialist concepts. These notions appeal to individual and social responsibility and are a call to action, since they emphasise the need for people to create their own identity, truth, and meaning. Such an approach also appealed to me because of its appreciation and respect for different ways of thinking and being. It does not pre-suppose what is "right" or "wrong." I had no interest in exacerbating a possibly growing sense of division among the Cree on the question of the *Paix des Braves* by favouring "one side" against "the other." The focus, instead, would be on understanding the genealogy, i.e. the conditions of emergence, of Cree

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<sup>12</sup> It is now known as Grand Council of Eeyou Istchee (GCCEI).



responses to the Agreement. A genealogical approach, based on Foucauldian concepts, sets out to understand the conditions of emergence of ways of thinking and doing things that have become so normalised, so taken for granted, within a given society that they are not usually questioned. In the case of the Cree, there are two main sources of such conditions. The first is the set of norms, values, and social practices relating to the traditional subsistence lifestyle. The second source relates to mainstream concepts and practices pertaining to a market economy way of life. Within Cree society, people are attempting to situate themselves in relation to rapidly changing social conditions and find a way to articulate their reality. Communicative practices exist within social conventions such as organisation, leadership and decision-making, and values and ethics. Traditional communicative practices are closely linked to living off the land and all it implies in terms of a worldview. The Cree language itself is finely attuned to all the land offers and demands. Mainstream communicative practices are linked to notions of development and progress. Faced with a situation like the *Paix des Braves* Agreement, the Cree have had to find a balance in relation to these different, and sometimes conflicting, influences. This case study aims to elaborate upon and contextualise Cree responses to the *Paix des Braves* within a framework of these diverse influences and communicative practices.

Most available information on the traditional subsistence lifestyle, still an important influence on the worldview of most Cree, can be found in historical and anthropological writings. I was initially concerned about the compatibility of these accounts with my chosen approach, one that rejects meta-narratives. I particularly wanted to avoid ideological approaches that critique the *plight* of First Nations people. These served a purpose in the past by drawing attention to social injustices, but such was

not my intent. My purpose, in keeping with Foucault, was to focus on the *history of the present*. My interest in the past was not in rendering a *true* account of it, but considering how it informed and influenced people's present-day attitudes and behaviours. Therefore, if this thesis appears to avoid or, depending on the point of view of the reader, lack politically explicit critical perspective it is not by oversight. Although past research in First Nations contexts has effectively used more critical perspectives, such was not the purpose here. I found, however, that the kinds of concerns I had about these other approaches were already being addressed in the field of anthropology in the writings of such authors as Geuijen et al (1999), Clifford (1992), and Fischer (1986). Therefore, historical and anthropological accounts could be not only useful for my purposes but important in fleshing out the social context within which Cree responses to the *Paix des Braves* would be analysed.

As for postmodernist notions within the field of communication, they have been gaining momentum for some time, challenging more linear and totalising views from the dominant paradigm. Some communications models, such as those of Schramm (1954), Lasswell (1948), and Shannon & Weaver (1949), have been challenged by theorists such as Raymond Williams (1974) and others within the British Cultural Studies school of thought, followed by authors in American Cultural Studies by way of Grossberg (1997, 1995), Slack (1996), and others on the basis of postmodernist and Foucauldian concepts. All of these have become part of communication studies curricula. Some more traditional views of communications were found to be relevant in relation to differences between initial research expectations and actual outcomes. For example, Katz (1956), and Katz and Lazarsfeld (1955), downplayed the importance of media in relation to

opinion leaders, and this proved to be the case with my findings. The influence of interpersonal communication proved to be more important than that of media for most of my research respondents.

To understand the emergence and significance of the Paix des Braves within contemporary Cree society, there is a focus within this thesis on how certain concepts, ideas, and values are understood and acted upon. Such is the rationale of a genealogical study, not exposing or critiquing underlying or fundamental truths or realities. This study analyses the diverse and conflicting responses of the Cree to the AIP of 2001 and subsequent *Paix des Braves* Agreement of 2002. This research includes as much information as could be uncovered on the interplay of Cree discursive and communicative practices, competing ideologies and value systems, and organisation and power in relation to responses to the Agreement. This thesis does not attempt to evaluate the Agreement or Cree responses to it in positive/negative, good/bad, right/wrong terms. What it attempts to do most of all is to open up a discursive space, as free as possible from any sense of necessity, obligation, or normality, to allow a better understanding of Cree responses in this particular instance.

*In a broader sense, this thesis suggests the juxtaposition of postmodernist and Foucauldian research approaches with Cree issues as a means of providing new perspectives on contemporary Cree realities. That is the original contribution of this thesis. My main research question is: What do Cree responses to the Paix des Braves indicate about Cree communicative and discursive practices at this particular historical conjuncture?*

Complementary questions pertained to the genealogy of these diverse and sometimes conflicting responses, and their implications with regard to matters of leadership, organisation, decision-making, values and ethics. Postmodernist and Foucauldian concepts were utilised to answer this because of their potential to open up discursive spaces and possibilities of social action that may not have emerged through other research methodologies. This last point calls for clarification of the following points: What constitutes such an approach? What is its contribution to social discourse and how does this differ from other research approaches? What are the implications of theorising on the basis of such concepts for methodology and analysis? How is communication conceptualised within such an approach?

Postmodernism, or postmodernity, has been both embraced and maligned within academia. Some of the criticisms directed at this concept are the term's alleged insinuation of somehow being beyond or past modernity and its perceived inability to articulate anything conclusive. The impulse behind such a movement, however, stems from a rejection of totalising, essentialist, and reductive notions that prevent the questioning of reified<sup>13</sup> assumptions. Dallmayr (1993) defined post-modernity as "an internal critique of modernity" (p.31).

Postmodernism has had significant influence within academia, particularly in areas that have been more open to such concepts and approaches, e.g. Communication Studies and Cultural Studies. It has also prompted theorists less taken with it to reconsider or defend their more meta-theoretical or linear approaches. Although Foucault rejected any categorisation for himself, be it philosopher or postmodernist, a common

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<sup>13</sup> Reification, or hypostasis, is defined as "the process of regarding a concept or abstraction as an independent or real entity" (Audi, 1999, p.409).

feature of his work with that of theorists commonly regarded as postmodernists- e.g. Lyotard (1984, 1988), Deleuze (1988)- is its refutation of totalising, essentialist and reductionist concepts and approaches. Foucauldian concepts that most apply and which are explained and applied within this thesis include genealogy, discursive practices<sup>14</sup>, archaeology<sup>15</sup>, apparatus<sup>16</sup>, governmentality<sup>17</sup>, subjectivation<sup>18</sup>, and truth game<sup>19</sup>.

Postmodernist and Foucauldian notions and methods are favoured in this thesis because they present a layered or textured view of complex social situations within society. This approach is in some ways anti-theoretical given its anti-totalising notions and the totalising nature of theory. It is perhaps this aspect of postmodernism which has been most criticised since it is difficult to make statements of general significance while at the same time attempting to avoid generalisations. While acknowledging this theoretical conundrum it is felt that the advantages of such an approach far outweigh its disadvantages. The purpose of such an approach is not to formulate grand theories but to question pre-conceived, normalised concepts and challenge their ability to dominate social discourse, value systems, and ways of doing things. For example, how are notions

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<sup>14</sup> Foucault defined discursive practices as being “characterized by the demarcation of a field of objects, by the definition of a legitimate perspective for a subject of knowledge, by the setting of norms for elaborating concepts and theories. Hence, each of them presupposes a play of prescriptions that govern exclusions and selections.” (Foucault, 1997, p.11)

<sup>15</sup> Archaeology has been defined as the appropriate methods for analysing discursive practices.

<sup>16</sup> Apparatus is a means of conceptualising a network or ensemble of both discursive and non-discursive *events* (Grossberg, 1997, p.95).

<sup>17</sup> Governmentality is the relationship of the self to itself including practices that constitute, define, organise and instrumentalise the strategies individuals can use in dealing with each other. Foucault believed the concept of governmentality makes it possible to bring out the freedom of the subject and its relationship to others; this constitutes the very stuff of ethics. Beginning from this premise, Foucault understood thought as the exercise of freedom (introduction, Foucault, 1997, p.xvii).

<sup>18</sup> Subjectivation (or *mode d’assujettissement*) is the way in which people are invited or incited to recognise their moral obligations. This may be done in reference to divine law, natural law, or cosmological law.

<sup>19</sup> A truth game is a set of rules by which truth is produced (Foucault, 1997, p.297).

like *culture* or *progress* understood and articulated; for what purposes and with what effect?

The following statement by Foucault gives a good indication of his anti-theoretical position and of the importance he attached to analysing discourse on the basis of its own logic and functioning in order to understand its role:

I have never tried to analyze anything whatsoever from the point of view of politics, but always to ask politics what it had to say about the problems with which it was confronted. I question it about the positions it takes and the reasons it gives for this; I don't ask it to determine the theory of what I do (1997, p.115).

Using a postmodernist research approach means conceptualising truth or meaning as social formations within specific time frames and conditions. The focus is on context. Therefore, a specific contextual example from this thesis research may best indicate how such an approach works best. In a focus group discussion on how Cree social or cultural concerns are articulated to the Cree leadership and how these are acted upon by the leadership, the matter of Annual General Assembly (hereinafter, AGA) resolutions was raised. One focus group participant, who had sought to effect social change on a particular issue and had pushed for such a resolution, expressed frustration about a leader's comment that these resolutions were *non-binding*. She wondered aloud about the purpose of it all. In subsequent interviews, with Grand Chief Matthew Mukash and former Grand Chief Billy Diamond, that issue was addressed in terms of organisational structure and functioning. The existing Cree leadership comprises a Council Board made up of the Grand Chief, the Deputy Grand Chief, all community Chiefs, and one elected Band Representative from each community. Grand Chief Mukash recognised the difficulty of addressing social concerns, attributing it to the fact that the existing Cree administration has had as its main purpose the implementation of the JBNQA, and that

the joint GCCEI/CRA have been functioning more like business organisations than as government. He proposed the development of a Cree constitution and parliamentary system under which existing Cree entities, such as the Cree School Board (CSB) and the Cree Board of Health and Social Services of James Bay (CBHSSJB), would form something resembling ministries or departments. Representatives could then enact laws instead of just passing or ratifying resolutions. Former Grand Chief Billy Diamond also questioned whether there might be a more representative leadership structure and suggested looking at a constituent assembly comprising representatives of education, health, business, and so on.

It is easy to imagine that by using a critical research approach, the difficulty expressed by the aforementioned focus group participant in having her social concerns addressed by the Cree leadership could have been explained in terms of colonialism or hegemony. Although critical research approaches to First Nations issues have been used effectively in the past, arguably such an approach would not have produced the insights derived from that used in this thesis. The Cree leadership could easily have been reduced to victims or dupes of colonialism or industrialisation while overlooking the more nuanced aspects of the realities and challenges it faces. Therefore, in keeping with Foucault, this thesis avoids engaging in polemics.

In retrospect, it may not have been necessary for me to confine myself as tightly as I did to my established theoretical framework. Having established a framework based on Foucauldian and postmodernist concepts, I was perhaps too reluctant to incorporate other theorists whose ideas were at odds with such notions. One such example is Habermas. Regardless of his disagreement with Foucault on a number of issues, such as

modernism and the role of power in communication, Habermas' concern for the ethical aspect of communicative action now strikes me as an area I could have explored, since this is arguably an important aspect of Cree responses to the *Paix des Braves*. Most research respondents, including many supporters of the Agreement, expressed disapproval for the communication process surrounding it. Many also did not believe opponents of the Agreement were given a fair chance to be heard. For some, it seems, it was not only a question of being heard but of having a sense that what they said mattered. In wanting to avoid dealing with oppositional or contradicting ideas or concepts, I may have by-passed ideas that would have enhanced my analysis.

Although the *Paix des Braves* occurred within the particular and unique context of Cree society at the turn of the 21<sup>st</sup> century, there are similarities with other First Nations facing similar challenges. One example of this is the case of the Manitoba Cree *and the Wuskwatim project*, a situation addressed by Kulchyski (2004, May). The main similarity is that the articulation of governmental and economic interests has made it difficult for dissenting voices to be heard. The importance of discourse, as conceptualised within this thesis, is that it is not separate from applications of power but an integral part of it. Aboriginal peoples throughout Canada and the world have faced these similar challenges within their own particular social, economic, and political contexts. What is particular to Quebec is its historical context of French governance and the implications of that on Cree territorial rights. Unlike the rest of Canada, Quebec's First Nations did not sign treaties because the French had a different view of such matters than the English. France did not see a need for treaties because it assumed that their rights to the territory had been gained through 'discovery and conquest' (Morantz, 1992,



p.102). The end result for the Cree was that there had been no formal cessation of Cree rights over *Eeyou Istchee* when the Bourassa government planned a major intrusion into *Eeyou Istchee* through its hydro-electric development scheme in the early 1970's. The situation was then such that the Cree were arguably in a better position than other First Nations in most other parts of Canada, who had signed treaties, to negotiate with Quebec and Canada on a "nation-to-nation" basis. In fact, much has been made of this status both with regard to the *Paix des Braves* and the more recent agreement of July 2007 with the federal government.

Having decided on such a contextual approach, I now had to focus on structure. The methodology consisted of a case study based on a qualitative, contextual approach. My initial goal was to focus on four of the nine Cree communities, two inland and two coastal. Time, financial and logistical constraints would not have allowed me to do research in all nine communities. I first set out to visit the inland communities of Mistissini and Waswanipi in late November to early December 2006. I had planned to follow that up with a visit to the coastal communities of Waskaganish and Chisasibi in early 2007. The fieldwork proved more daunting than I had anticipated in a number of ways. I arrived in Mistissini as planned, prepared to conduct interviews and at least one focus group, and distribute the 100 questionnaires I had prepared for my research in this community. The three interviews I conducted were informative and interesting, and gave me a sense of the kinds of responses that would be conveyed to me throughout my research. The intended focus group did not materialise, although I had publicised it through personal contact and by way of the local radio station.<sup>20</sup> The return of

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<sup>20</sup> The same evening I tried to convene a focus group in Mistissini, someone was in the community doing a presentation on the supposed health benefits of something called "goji juice." There was also a

questionnaires was no more encouraging. Although most of these were handed out in self-addressed, stamped envelopes, only 3 would be returned.

My next visit was to Waswanipi, which proved to be much more productive for one major reason- inside help. This was a major revelation for me in terms of doing research in the Cree communities. The participation of community members is crucial. In this case, it consisted mainly of my son and daughter who live and work in that community, and who helped me find research participants. Nonetheless, it required two visits to Waswanipi to obtain satisfactory results. Time constraints then became more constricted and, considering my limited success in Mistissini, I decided to focus on only one inland community, Waswanipi, and one coastal community, Chisasibi.

Chisasibi provided interesting results, though not comparable to Waswanipi in terms of participation. Nonetheless, my interview with Chief Abraham Rupert and the focus group provided valuable information and insightful opinions. The number of questionnaires obtained was not as great as in Waswanipi, but still much better than what I had achieved in Mistissini. On the basis of this accumulated information, I now needed to fine-tune my analytical approach.

At the outset of my research, I had not been aware of the degree of “research fatigue” that existed in the Cree communities, and the importance of including community participants in the carrying out of the research itself. This limited the extent of participation. I cannot deny a certain disappointment with this, but my focus on a qualitative approach arguably made this result less significant than if I had been using a primarily quantitative research methodology. The richness of the interview and focus

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conference on diabetes going on at the time. No one showed up for a focus group on “the *Paix des Braves*.”

group content provided the kinds of insights and perspectives I had hoped for, but on the basis of fewer participants. My analysis of the findings focused more on identifying common themes than on crunching numbers and percentages.

Deciding how to analyse my research findings was perhaps one of my greatest challenges. My initial impulse was to analyse my findings within a framework consisting of three major areas: leadership and decision-making, values and ethics, and communication and discourse. I had also included a separate section on ‘the hunting society.’ As I progressed in my analysis, the flaw within that structure became evident. How and where was the analysis of the links between these elements to be analysed? Considering each of these aspects separately, after all, was hardly the point. The analytical framework was subsequently changed to include key moments with regard to the Paix des Braves, such as the consultation tour and the community referenda, and basic social conventions such as leadership, organisation, and decision-making. The analytical approach was also modified in that the focus would be on identifying major themes that emerged through the process. Some of the key issues for the Cree research participants that emerged included the rationale for agreeing to the AIP, the purpose and effectiveness of the consultation process, interpretations of community referenda results, matters of harmony and dissent, notions of progress and quality of life, and perceptions on language, communication, and media.

Having revised my analytical framework, my thesis consists of the following arrangement:

Chapter 1 consists of the “Conceptual Framework.” That title was preferred to “theoretical framework” because of the postmodernist and Foucauldian concepts on

which this thesis is based, approaches that challenge totalising notions including that of theory itself. Key concepts and their implications regarding methodology and analysis were considered, including that of *communication*.

Chapter 2 explains the methodology used within this thesis. Non-essentialist concepts require non-essentialist approaches; therefore, an important distinction is made here between history as meta-narrative and the Foucauldian approach of constructing a *history of the present*. The methodology includes a review of the various sources of information used in this thesis and of the methods employed to obtain the Cree responses to the Paix des Braves that are the focus of this research.

Chapter 3 consists of the analysis which is divided into two main parts: firstly, background information on the *Paix des Braves* and an overview of the content and amendments of that Agreement, and secondly, nine sub-sections that serve to contextualise Cree responses to the Agreement. Some of these areas of analysis revolve around specific events such as the consultation process and the referenda, and other areas deal with social concepts such as identity- or subjectivity, leadership, organisation, and decision-making. The analysis is organised around key themes that emerged from the research material.

Chapter 4 presents the summary and conclusion. As put forward, as significant an event as the *Paix des Braves* has been for the Cree, that importance could soon be overshadowed by the implications of Bill 40 and the decisions and actions taken by the *Municipalité de la Baie-James* (MBJ) with regard to *Eeyou Istchee*.

The appendices include the *Paix des Braves* Agreement, i.e. 57 pages up to the signature page but without the schedules; the inclusion of the schedules would have made

the attachment prohibitively long. Also included in the appendices is information pertaining to both the publicising of the thesis research and information gathering.

## 2. Conceptual Framework

Working within a *theoretical framework* in research stemming from postmodernist and Foucauldian notions could be perceived as paradoxical given that these approaches are anti-theoretical. They seek to avoid meta-concepts, including that of *theory* itself. Therefore, naming this section *Conceptual Framework* seemed more fitting. Geuijen et al (1995) pointed out how conceptualising theory as separate from practice is typical of modern thought and “based on doubtful meta-physical assumptions” (p.xx). The postmodernist view is different, as they underline: “For post-modernism theory is practice... It is only in relation to the modern distinction between theoretical explanation and descriptive research that the empirical facts can speak for themselves”(ibid). Creswell (1998) on the other hand, drawing on Slife and Williams (1995), suggested that postmodernism might be considered as a family of theories and perspectives that have something in common rather than as a theory per se (p.79). Whether viewed as anti-theoretical or as a family of theories, within such an approach there is no sense of an underlying reality or truth or of a meta-history that needs to be reconstructed. What is important is to understand how thoughts, beliefs or truths are used within relationships of power and how such interactions affect subjectivity. What meanings are contested? Who gets to define the terms? What is at stake in relation to such definitions? These are some of the central questions and issues in this thesis.

In relation to the subject matter of this thesis, the focus is not on determining the essence of Cree identity, truth, or values, or arguing about the just destiny of the Cree. In accordance with Foucault, the focus is on understanding the conditions of emergence of discourse, communication, and actions within a specific social context. Foucault's concept of *genealogy* is particularly useful in approaching the kinds of questions raised by the *Paix des Braves* Agreement of 2002 within Cree society - questions like what constitutes Cree identity and what determines what is in the best interest of the Cree. Within a genealogical approach one *does not historicise the subject*, that is to say, one does not fabricate a subject that evolves through the course of history. Foucault (2000) proposed:

...get(ing) rid of the subject itself, that's to say, to arrive at an analysis that can account for the constitution of the subject within a historical framework. And this I would call genealogy, that is, a form of history that can account for the constitution of knowledges, discourses, domains of objects, and so on, without having to make reference to a subject that is either transcendental in relation to the field of events or runs in its empty sameness throughout the course of history (p.118).

The subject of this thesis, e.g. the Cree research participant, is therefore viewed not as possessing inherent traits or qualities that are passed on unchanged throughout history because of his/her very nature but as possessing characteristics that are contextually constituted and changeable over time. This is an important concept in the analysis of Cree responses to the *Paix des Braves* since a number of research participants articulated essentialist notions of Cree identity. This is not to suggest that such notions are not to be taken seriously or accepted as true for these participants. This is a non-judgmental approach. These responses are, however, to be viewed as being constituted within a specific context of truth formation and not to be accepted as *the* truth. A

postmodern approach implies rejection of the concept of “the sovereign rational subject” and the related notion of “a correspondence theory of truth” (Graham et al, 1992, p.15). Postmodernism also does not view individuals, or subjects, as being representative of an external world. Critics of the concept of *knowledge as representation of reality* include Wittgenstein, Heidegger, and Rorty. Wittgenstein, in particular, influenced thinkers identified with postmodernism on the question of language. Graham et al (1992) pointed this out:

Wittgenstein rejected the notion that language has a representational function, that language mirrors some external world. Instead he emphasised the activity of speaking a language and participating in what he called a ‘language game.’ **Language**, in this sense, **does not represent but rather gives us our world**”<sup>21</sup> (pp.15-16).

Geuijen et al (1995) also underlined how postmodernism takes issue with the idea of knowledge as representation and other modernist notions. They stated: “The aspects of modern philosophy that come under particular attack from postmodernists are the notion of knowledge as representation, the concept of the sovereign rational subject, the opposition between logic and rhetoric, and the universality of reason” (p.ix). Therefore, the postmodernist view is that meaning is constructed, not represented. (ibid, p.x). Such a perspective arguably promotes a more humble attitude toward the truth or truths one possesses than a more metaphysical or totalising notion. Such humility and understanding of the difference between *truth* and what one knows was displayed by François Gunner, a Mistissini hunter, who was called to testify at the court hearings on the James Bay project in the early 1970s. Boyce Richardson (1975) described the scene in *Strangers devour the land*:

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<sup>21</sup> This is my emphasis.



The forty-two year-old hunter had been out on his trapline when he was called by his chief to go to Montreal to give evidence about the effects of a road that had been built by the James Bay Development Corporation through his trapline. He had left his bush camp only a few days before he appeared in court. "When I was first told to touch the book, my first reaction was to wonder what this book is for," he said. "Until I was told to touch it, the book, so I could speak the truth."

In the courtroom the round-faced, cheerful François, deeply serious as he was asked if he would tell the truth, the whole truth and nothing but the truth, placed his hand on the Bible. Before answering he began to talk to the translator. After some conversation the translator looked up at the judge and said: "He does not know whether he can tell the truth. He can tell only what he knows" (p.46).

Wittgenstein (1969) also distinguished between a sense of knowing and unconditional truth as indicated in his statement: "It is the truth only inasmuch as it is an unmoving foundation of his language-games" (p.52e). Such language-games are socially constructed but are not unimportant as they do form the basis of thought and action in a society (ibid). Wittgenstein's humility in recognising the limits of human understanding is to be admired. Knowledge is not truth. He pondered: "Is my understanding only blindness to my own lack of understanding? It often seems so to me" (p.54e). It is interesting to observe the similarity in thought between the Cree elder and the German philosopher. Wittgenstein's notion of language games was later picked up by Lyotard (1984) who contended that differences in language between societies can result in irreconcilable differences, as will be considered further on (p.10). How then can such differences be understood within a Cree social or cultural context?

Clifford (1992), cited in Geuijen et al (1995), did not consider *culture* a useful concept:

Clifford is among the important critics of the notion of culture, which is one of the most essential notions in anthropology. He thinks that 'culture' cannot be examined and represented in a way that has been considered appropriate until now by many anthropologists. According to Clifford 'culture' is an incoherent concept. Culture is not what it is supposed to be: a whole of which individual

persons are personifications. We are now inclined to question ‘the organic naturalizing bias of the term culture – seen as a body that grows, lives, dies, etc.’ (Clifford 1992: 101)” (p.xv).

Clifford made a valid point. There is somewhat of an untouchable quality about the term *culture*, as if it were something sacred and beyond reproach- a model of what a person living within that culture should be. It can also be used in a manipulative way, that is, to indicate how a person should be, act or think as a cultural subject. Issues that are often wrapped within the cultural domain seem more approachable by simply addressing them in terms of society. Granted, the two terms are not meant to be synonymous but those aspects of society that are usually considered to be cultural can nonetheless be addressed from a societal perspective.

Foucault did not favour the use of concepts such as *culture* and *identity* either but instead employed *subjectivation* in reference to how people see themselves and their roles and obligations within society. If professed metaphysical or social truths stemming from socially constructed *systems of subjectivation* are not viewed as immutable, this does not mean that their significance or importance within a particular society is not recognised. That social importance, however, is considered as belonging to a process of history, history not as a synthesising process of signification, essentiality or continuity but viewed in all its disparity. It is history with no immutable foundation, fixed purpose or predetermined outcome. This is a view of history focused on continuing processes of becoming. It is useful within such an approach to consider the Cree *regimes of truth*, in Foucauldian terms, defined as “the types of discourse it [a society] accepts and makes function as true” (Foucault, 2000, p.131). Truth, as Foucault pointed out, is neither outside power nor lacking in power but “a thing of the world.” Truth is produced within

specific conditions. Foucault names five important traits that characterize truth: scientific discourse and the institutions that produce it, economic production and political power, diffusion and consumption, political and economic apparatuses, and finally, ideological struggles (ibid). These traits are important aspects to consider in relation to the *Paix des Braves* debate in Cree society and suggest areas of analysis. How were the truths produced in each of these areas able to enter into and possibly dominate the debate over what was in the best interest of the Cree?

As Grossberg (1997) pointed out, both cultural studies and postmodernism provide an anti-essentialist, contextual perspective on the place of cultural practices in historical formations and political struggles (pp.187-194). He stated that the most important advantage he saw with postmodernism was its “attempt to understand the specificity of the contemporary historical formation” (ibid, p.192). In applying either method there is always that seemingly irresolvable matter of remaining true to an anti-essentialist, anti-reductionist approach while attempting to develop something that has relevance beyond that particular issue. Grossberg tried to resolve the problem by incorporating the notion of **articulation** as a means of pinning down ostensibly circuitous concepts of postmodernism. Cultural studies’ theory of articulation is its greatest strength according to Grossberg (ibid).<sup>22</sup> As Khan (2004) observed, cultural studies theorists have attempted to appropriate Foucault within their approaches with some difficulty by attempting to fit him within a Gramscian framework. He referred to Tony Bennett’s contention that “Foucault was admitted into the cultural studies roll-call only on the

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<sup>22</sup> Stuart Hall (1991) defined articulation as a temporary fixing of elements, meant to move beyond the possible endless circularity of a postmodernist approach. Hall contended that without such fixing there would be no signification or meaning at all. According to Hall, such an approach has the advantage of underlining the dynamic nature of both society and theory and rightfully places theory within the social realm as opposed to its at times perceived privileged, objective vantage point.

condition that he brought no troublesome Foucauldian arguments with him. The role accorded his work was not that of reformulating received problems so much as being tagged on to arguments framed by the very formulations he questioned... Quoted extensively, he was used very little" (p.2). Although both cultural studies and Foucault present research approaches that are appealing because of their interdisciplinarity and self-reflexivity, what is most appealing about Foucault is his refusal to be confined by the discursive structures and strategies of any ideology. Postmodernism in general and Foucault in particular present interesting ways of conceptualising in spite of possible difficulties as to how to derive meaning beyond the specific questions at hand. The main advantage of such an approach is that, by liberating oneself from notions of essential structures or meanings, one opens up a discursive space that allows consideration of new interpretive possibilities, without the knee-jerk reaction of diametrical ideological opposition. This is a major advantage in examining situations such as the *Paix des Braves* where debate has largely been locked into two opposing, seemingly irresolvable types of discourse, that of traditional values versus modern notions of progress and development. Postmodernists and Foucault reject totalising concepts and approaches and allow for an open-minded consideration of social developments and issues.

Attempting to integrate genealogy into a communication study forces one to question the genealogy of that discipline itself, to consider how discourses and approaches in communication might influence the outcome of the research. It forces one to consider the *positionality* of such an effort in analysing and describing the interplay of discourse and power since such an academic practice itself exists within its own regime of truth. The regime of truth surrounding communication as either a concept or discipline

is a much contested area. In order to articulate a view of the *Paix des Braves* discourse within Cree society, it is important to conceptually situate communicative practices.

How communication was conceptualised within this thesis had to be consistent with the research approach utilised. Communication as understood in this thesis pertains to the transmission of thoughts, ideas, and values by whatever means available within a given social context. It is a broad view of communication, one that perhaps needs to be situated within the field of communication studies. Communication studies is a wide-ranging field within which the subject matter remains problematic and largely undefined. It covers a broad spectrum of topics that span other established fields of study including linguistics, literature, psychology, philosophy, technology, law, and so on. There is even inconsistency and lack of clarity as to the use of the terms *communication* and *communications*. Both terms are used widely within academia. In relation to the subject matter of this thesis, I prefer *communication*. My understanding of the distinction between these two terms is that *communication* has a broader meaning than *communications* in that it pertains to any transfer of ideas or feelings while *communications* relates primarily to such transfers through the mediation of technology.<sup>23</sup> Another difficulty is that almost anything can be perceived as communication, thus depriving the concept of any particular meaning. As Grossberg (1997) pointed out: “The ‘discipline’ of communication is unable to define its own boundaries since every object is

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<sup>23</sup> For example, the term *communications* is used at the Indiana University of Pennsylvania in their communications media program in relation to such technological courses as communications graphics; career planning in communications media; and management practices in electronic communications. On the other hand *communications* is not used in any of the course titles within the Ph.D. programme to which this thesis belongs, but *communication* is commonly used, e.g. communication, democracy and power; strategies and styles in communication; communication, conflict and peace.

potentially 'communication,' and the interpretation of messages as communication has no grounded methodology" (p.50).

Determining how communication and culture relate to one another also remains problematic. Douglas Kellner (UTA web site) attributed this "bifurcation of the field" to the Frankfurt School and proposed a reconstructed version of communication. He further asserted that the complexity of the concepts of *culture* and *communication* require additional conceptual analysis and deconstruction to overcome a rigid binary opposition between the two concepts, and contended that one should not be privileged over the other (ibid). Grossberg problematised the concept of communication to an even greater degree than Kellner, as Kellner pointed out: "(a)lthough he works in a department of communications...begins his meta-theoretical presentation of cultural studies by attacking the concept of communication and effectively removing it from the conceptual field" (Kellner, p.14). That Grossberg should hold such a view of communication, however, is totally consistent with his philosophical viewpoint. His critique of communication theory is linked to a broader critique of transcendental philosophy as articulated by Heidegger and its essentialist concepts of human nature (1997, pp.60-61). It would be intellectually dishonest to defend communication (or communications) as a concept or as a field of study in a way that is contradictory to one's views on truth and meaning formation. Grossberg (1997) contended that within theories of communication there is "a prohibition against problematizing the concept of communication itself" (p.51). He argued that communication has been granted "transcendental status" and that the ideological and political power of communication has been ignored. For Grossberg (1997), "communicative practices are inherently ideological" (p.67).

To a certain extent, although to a lesser degree than in Grossberg, the concept of communication was also problematic with respect to the theoretical approach adopted within this thesis. Communication had to be conceptualised in a way that was consistent with my approach and, within a postmodernist or Foucauldian perspective, communication like other aspects of society is viewed as a social formation. In other words, communication is not thought of as something that transcends its social context. Within such an approach, all social formations are viewed contextually. Therefore, although defining communication remains problematic, the importance of communication lies in how it is contextualised within a society. Within traditional Cree hunting society a holistic worldview does not give rise to a concept of communication as something separate from the social or the spiritual. Understanding communication within contemporary Cree society means recognising traditional influences as well as more recent ones. If the theorised research approach was to be respected concepts of communication/communications within the dominant paradigm that stem from a different mindset could not simply be thrown into the mix. That being said, some of these concepts will be recognised and addressed if only for the purpose of demonstrating how they do not apply.

Models within the dominant paradigm of communication from the 1940's and 1950's- such as those of Schramm (1954), Lasswell (1948), and Shannon & Weaver (1949)- tend not to question applications of power within communication and by that absence suggest a neutral playing field within which communication occurs. However, ignoring questions of power does not make these communication models any less

ideological. The dominant power relations are simply assumed, normalised, and taken for granted.

Katz & Lazarsfeld (1955), and Katz (1956), conceptualised a *two-step flow* model of communication. The first of the “two steps” referred to in this concept is the transmission of information from mass media to *opinion leaders*, and the second step is the passing on of the information from these opinion leaders to others (pp.346-361). Katz & Lazarsfeld’s (1955) approach therefore presented a view of media that was more diffused than more linear cause-and-effect models by recognising the importance of certain individuals within society in filtering the effects of media. The results of the research for this thesis showed that personal communication was more influential than media with regard to Cree responses to the *Paix des Braves*. However, unlike Katz & Lazarsfeld’s (1955) view of key opinion makers, influential individuals differed from person to person and from family to family.

Views of communication stemming from critical studies have focused on the question of power in communication. Theorists not necessarily associated with communication studies have nonetheless contributed to a reassessment of the dominant paradigm in communication by raising questions about colonisation and hegemony, including in the areas of communication. Examples of this are the writings of Franz Fanon (1961) and Armand Mattelart (1979). Raymond Williams (1974) and other British Cultural Studies theorists such as Stuart Hall (1991, 1977) have echoed these concerns within areas of popular culture. Their approaches have incorporated concepts from postmodernism with those of critical theory. While cultural studies is appealing because of its focus on context, a Foucauldian approach is even more so because of its refusal to



be confined within ideology. This arguably opens up a greater discursive space within which to analyse the context. Khan (2004) pointed to the unease, however, with which cultural studies has attempted to balance its adaptation of Marxist ideology with concerns for the cultural and the quotidian. Williams, in Khan's view, conceived *culture* as:

...within the context of a weak use of 'superstructure.' Here 'culture' refers to a 'general social process' or 'whole way of life and allows for a more ready inclusion of the category of experience...By enabling a more pragmatic and quotidian meaning of and use for 'culture,' William's quasi-anthropological delineation of 'culture' as a whole way of life' opens up an important analytical space for British cultural studies (pp.2-3).

Contemporary Cree concepts of society are influenced by various and sometimes conflicting notions stemming from the need to position Cree society in a context of rapid social change. There is much evidence within this thesis of the Cree articulating notions of identity, values, and purpose either on the basis of perceived traditionalist views, notions of progress and development, or some combination of these. The concept of *hybridity*, or mixed cultural influences, may have been tempting with regard to this last point; it was considered but ultimately rejected because of feelings of ambivalence as to its appropriateness.

Anthias (2005) recognised that in using the term *hybridity* "it may appear a postulating that the 'races' which become mixed are themselves constituted as essential and non-hybrid." (p.625) Therefore, it could be argued that "hybridity retains a cultural discourse of racial purity."(ibid) Anthias went on to point out that the "new use of the term hybridity implicitly rejects the idea of pre-existing pure categories."(ibid) Anthias added: "Those who object to the use of the term hybrid for making assumptions about the purity of the elements from which it derives are... employing semantic rather than

substance objections.” But, he conceded: “On the other hand, if all cultures are by definition hybrid, the term loses its specific analytic usefulness.” (ibid) Anthias pointed out that different theorists use the term in different ways. In fact, many of these espouse views and approaches not unlike those defended in this thesis. These include Stuart Hall (1988, cited by Anthias) and Roger Silverstone (2003). Ien Ang (n.d., Warwick web site) arguably put the best spin on the concept, describing it as “a concept that confronts and problematises boundaries...” She further stated: “Hybridity is not the solution, but alerts us to the difficulty of living with differences, their ultimately irreducible resistance to complete dissolution. In other words, hybridity is a heuristic device for analysing complicated entanglement” (ibid). Nonetheless, discomfort with the term remained and the concept was not applied in the research analysis. How then was the question of identity, unquestionably perceived as fluid but not necessarily hybrid, to be approached?

The concept of *subjectivity* felt more comfortable. The term seemed flexible enough to accommodate change without locating identity between reified notions of a threatened past and an encroaching present or future. Grossberg (1997) and Foucault (1997) provided the conceptual tools for this approach. Drawing on Althusser’s argument that subjectivity *authorizes* experience, Grossberg maintained that subjectivity is neither pre-discursive nor pre-territorial, but is a *produced* abstraction that needs to be historically inscribed and rearticulated as *identities* (1997, pp.363-373). Grossberg’s concept of subjectivity is not unlike that of Foucault. Although Foucault’s views are not easy to sum up in simple terms, and at the risk of oversimplifying, my take on Foucault’s concept of subjectivity is that experience constitutes identity. One is defined by one’s struggles.

Communication is a difficult concept to define, as Grossberg and others have pointed out. Grossberg (1997) has argued that communicative practices are inherently ideological, and that their importance can best be understood by way of their contextualisation within material practices. It is important, according to Grossberg, to *denaturalise* the role of communication in our lives and to *problematise* the concept of communication itself. Therefore, rather than seeking essential and universal characteristics of communication, communication should be understood as a social formation, as a discursive practice (p.61). The difficulty involved in defining the concept of communication lies in the fact that it is most often perceived as transcending everyday reality. Habermas' (1998) concepts of communication and of the public sphere, for example, can be viewed as problematic from a postmodernist or Foucauldian perspective. Lyotard, for one, has been critical of Habermas' model of communicative consensus. He has viewed it as a totalising concept that fails to account for the heterogeneity of communication. Lyotard has preferred the concept of "language games" to a Habermasian model of communication ((Lyotard, 1984, pp65-66; Dallmayr, 1993, p.32). Tyler (1995) has also contended that postmodernism is at odds with Habermas' system of classification:

It rejects... the Habermasian version of Aristotle's classification that posits a threefold world of 'external existing affairs', 'interpersonal relations', and 'intentional experiences', with their respectively corresponding validity claims of 'truth', 'rightness', and 'truthfulness'. It also dissolves the artificial boundaries that separate these three discourses and constitute them as inviolably different means for expressing a correlated hierarchy of mental representations and speaker attitudes" (p.82).

Foucault (1994) deemed Habermas' views on communication and power relations utopian:

...I have always had a problem insofar as he gives communicative relations this place which is so important and, above all, a function that I would call “utopian.” The idea that there could exist a state of communication that would allow games of truth to circulate freely, without any constraints or coercive effects, seems utopian to me. This is precisely a failure to see that power relations are not something that is bad in itself, that we have to break free of. I do not think that a society can exist without power relations, if by that one means the strategies by which individuals try to direct and control the conduct of others. The problem, then, is not to try to dissolve them in the utopia of completely transparent communication but to acquire the rules of law, the management techniques, and also the morality, the *ethos*, the practice of the self, that will allow us to play these games of power with as little domination as possible (p.298).

Foucault’s concept of “the practice of the self” then leads to the question of values. Within the context of Cree society, what values directed the “games of power” surrounding the *Paix des Braves* and how should the place of values be conceptualised? Values can be viewed as core elements within a social collectivity. They can be seen as the outcome of political and economic structures or as embedded in the design of these very structures. They can also be thought of as a collective will, analysable through sociological observation. All these approaches are defensible and capable of providing insights into a particular situation. However, for the purposes of this thesis, it is useful to adopt certain Foucauldian concepts, particularly that of genealogy.

The particular discourse surrounding the AIP and *Paix des Braves* among the Cree revealed varying and sometimes conflicting attempts to legitimise a position on the subject. The purpose of this thesis is not to defend any particular viewpoint. Also, in keeping with Foucault, there has been no attempt to reconstruct a meta-history of the Cree but simply an effort to understand the influences leading to these various positions at this particular juncture in Cree society. Social and communicative practices can best be understood contextually within a framework of social practices that includes discourse and relations of power. In accordance with Foucault (2006; 1983), it is

maintained that human sciences do not provide their own intelligibility but construct their intelligibility through their organised and organising practices (p.188; pp.102-103).

Within such a view, **theory is subordinated to practice**, as Grossberg (1997) argued and there should be no reduction of the specificity of the concrete, or materiality, in the name of understanding, explanation, or theory (p.95).

This research is intended to challenge essentialist, deterministic, reductionist, and transcendent concepts. It is an approach that focuses on the interconnectedness and conjunctures within and between culture and communication while rejecting any notion of *necessary correspondence*, in Stuart Hall's terms (1996, in Curran et al, p.14).

Existing concepts of communication, according to Grossberg (1997), include three images of intersubjectivity: communication as sharing, communication as emergence, and communication as constitution. Grossberg suggested that these three images of intersubjectivity in communication theory result in various views of communication, none of which is capable of questioning the transcendental nature accorded to communication. Conceptualising various social practices as *communication*, as Grossberg contended, **provides an apparent unity to practices that may in fact have significant differences.**<sup>24</sup> This suggests the importance of considering social contexts, including relations of power (pp.94-99). Neither *knowledge* nor *power* is considered as either determinant or transcendent in this study but are viewed as being linked in complex and various ways. This approach is in accordance with both Foucault and Grossberg's concepts. Foucault proposed the concept of *apparatus* as a means of conceptualising a network or ensemble of both discursive and nondiscursive *events*. Within this concept, power is linked to concrete techniques, effects, and conditionings and operates directly,

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<sup>24</sup> This is my emphasis.

without the mediation of consciousness, representation, or ideology, for these are already the effects of power (ibid).

Attempting to analyse theory, while practicing it at the same time, seems like an insurmountable task. A suitable analogy would be trying to look at oneself looking at something. At some point, it is necessary to settle for the imperfect human nature of one's perceptions. Theory is inescapably circumscribed by the social conditions within which it is formulated. Both the theoretical framing and analytical methodology used in this thesis are viewed as pragmatic. The attempt here is not to articulate incontestable truths or meanings, but to propose a means of conceptualising interrelationships within and between cultures and modes of communication. Whether one conceptualises these interactions as occurring between spheres, planes of effects, or lines of intensity in any given situation, the approach taken is one that, in Grossberg's terms, takes neither theory nor politics for granted and suggests possibilities of change (Grossberg, 1997, pp. 4-5). Perhaps the greatest appeal of articulation is its refusal to recognise any reductionism or necessary connectedness. It is an approach that views social realities as being in a constant state of flux and amenable to action. As Grossberg (1997) argued, people are always active and it is impossible to predict who will win the struggle between competing articulations (p.222). The view of theory taken within this study also concurs with Jennifer Darryl Slack's summary of the cultural studies approach:

[C]ultural studies works with the notion of theory as a 'detour' to help ground our engagement with what newly confronts us and to let that engagement provide the ground for retheorizing. Theory is thus a practice in a double sense: it is a formal conceptual tool as well as a practicing or 'trying out' of a way of theorizing (Slack, 1996, p.113).

Theory as non-essentialist conceptualisation is a broad definition that fits in with the approach taken in this thesis. As to *truth* within theory, that will always remain contested ground. Grossberg (1997) made that point well:

...the truth of a theory can only be defined by its ability to intervene into, to give us a different and perhaps better ability to come to grips with, the relations that constitute its context. If neither history nor texts speak their own truth, truth has to be won; and it is, consequently, inseparable from relations of power (p.190).

Other useful concepts for the purposes of this study include John Frow's (1995) *regimes of value* and Arjun Appadurai's (1993) five dimensions of cultural flow. John Frow's (1995) concept of *regimes of value* suggests ways of addressing questions pertaining to meaning, value, what is desirable within a particular society, what are reasonable sacrifices, and what political actions are permissible within a given context, all key issues in the *Paix des Braves* debate. The concept of regimes of value, as advanced by Frow, suggests a theoretical approach to questions of meaning or value that takes into account the changing nature of culture. Frow explained the theoretical basis of the concept as follows:

The concept of regime expresses one of the fundamental theses of work in cultural studies: that no object, no text, no cultural practice has an intrinsic or necessary meaning or value or function; and that meaning, value, and function are always the effect of specific (and changing, changeable) social relations and mechanisms of signification" (p. 145).

The following explanation of what constitutes a regime of value also suggests a workable and appropriate analytical approach:

The regime of value constitutes 'a broad set of agreements concerning what is desirable, what a reasonable "exchange of sacrifices" comprises, and who is permitted to exercise what kind of effective demand in what circumstances' ...; this regulation is always political in its mediation of discrepant interests. (ibid, p.144)

As applied to the *Paix des Braves*, the previous quote suggests the importance of analysing *what is desirable* within Cree society, what are *reasonable sacrifices* with regard to the land, and *what political actions are permissible by the Cree leadership*. All these issues were at the heart of the *Paix des Braves* debate. In contemplating these issues it is worth considering whether, as Frow (1995) contends, *criteria of value* employed by different social groups may in fact be incompatible and irreconcilable (p.130). Grossberg (1997) pointed out that the complexity and contradictions not only within culture, but also between people, culture, and power are key issues within cultural studies (p.12). Cultural studies has to be understood dialectically, according to Grossberg, as “how people fill the void between inadequate collective representations and imperfect private meanings (ibid, p.211). Appadurai (1993) proposed an interesting way of considering how identity is formed in contemporary societies. He contended that the current global economy creates “certain fundamental disjunctures between economy, culture and politics” and proposed a framework of five dimensions of global cultural flow to explore these disjunctures. These included what he termed ethnoscaples, mediascaples, technoscaples, finanscaples and ideoscaples. These dimensions were viewed as “deeply perspectival constructs, inflected by the historical, linguistic and political situatedness of different sorts of actors” (p.275). Appadurai’s concepts are useful within the context of this thesis because much of the debate about the *Paix des Braves* in Cree society has been centered on how the Agreement will affect Cree culture and identity.

Although the position taken within this thesis, in keeping with Wittgenstein (1969), rejects the notion that language has a representational function it is interesting to consider other views on the matter. Grossberg (1997) maintained that identity is about



representation, and the field of cultural studies concerns itself with many of the important issues pertaining to this matter. Cultural studies is in part about how people, “however imperfectly”, represent themselves and their worlds. Frow (1995) proposed redefining the notions of *positionality* and *representation* as a means of moving beyond social relativism. The differences here with Foucault reflect what was previously discussed with regard to cultural studies theorists attempting to appropriate Foucault within their more ideological perspectives. Frow (1995) rightfully pointed out that *to speak* is not the same as *to express the interests of* or *to stand for*. He also stated that it is possible to belong to more than one *regime of value* (p.154). Hall (1996) maintained that both specificity and difference need to be considered through concrete analysis without privileging difference (in Curran et al, pp.12-13). However, the analysis of differences is necessarily constrained by the fact that certain differences in perspective and in human interests reflected within *language games*, as Lyotard contended, cannot be reconciled at a higher logistical level.

Although the Foucauldian concept of subjectivity is preferred to that of culture in this thesis, if culture is to be defined it is to be understood as a continuous process of redefinition and rearticulation. Cultural identity is, as Grossberg (1997) asserted, inextricably linked to an ongoing struggle over meaning (pp.4-5). There may be no essentiality to culture, but this is not to suggest that culture is not of great importance to people or not worthy of safeguarding. Although cultural change may be unavoidable, the direction of such change and the powers at play can be influenced. What is to be protected and preserved and what is to be relegated to the historical past are central issues within the on-going repositioning of culture through time in any given social context. It

is a question which can never be answered once and for all. As Allor (1990) maintained, “Cultural studies’ conceptual apparatus is not marked by the stability of historical precedent. On the contrary, it is conditioned by an attention to the conjunctures of the historical present”(p.67). This approach is also very much in line with Foucault.

Drawing on Althusser’s argument that subjectivity authorises experience, Grossberg (1997) maintained that subjectivity is neither prediscursive nor preterritorial, but is a *produced* abstraction that needs to be historically inscribed and rearticulated as *identities* (pp.363-373). This not only locates experience but also enables and constrains its possibilities, including those of representation and legitimisation. Grossberg (1997) also argued for the need to seek empowerment through the *construction of agency*, which he described as “the ability to make history”. (p.366) Agency, he argued, is not intrinsic but is defined by *sites of investment* and *fields of activity* on socially constructed territorialities. Agency, he added drawing on Foucault, is only realised if specific investments are *enabled* and *articulated*: “The question of agency, then, is how access and investment are distributed within a particular structured mobility” (ibid, p.367). Different discourses, therefore, are not necessarily equal in terms of the power invested in them in any given situation. This invested power can make certain discourses more predominant than others in a given situation but that neither makes them more or less right or meaningful because of it.

Existing research on the Cree provides valuable information for this thesis, even though essentialist anthropological or sociological notions such as *core values* and meta-historical depictions of Cree experiences are viewed as generalisations from a postmodernist perspective. As Geuijen et al (1995) indicate, there have been changes

within anthropology to accommodate more postmodern perspectives. Those changes have included a shift from a “modern paradigm” based on concepts of realism and representation, to a “modernist paradigm” characterised by a search for better means of representation, and finally to “post-modern anthropology” in which “the belief in accurate representations is abandoned” (pp.xi-xiii). Fisher (1986), for one, “endorses Lyotard’s ‘definition’ of post-modernism as being ‘that moment of modernism that defines itself against an immediate past (“post”) and that is sceptically inquisitive about all grounds of authority, assumptions or convention (“modernism”)’. Fischer pleads for a modernist anthropology as he takes post-modernism to be one of the cycles of modernism” (p.xiii). Therefore, the use of anthropological and historical sources need not be inconsistent with a postmodernist approach. The most useful of these to this research were the writings of Feit (1982, 1989), Tanner (1979), Chance (1970), LaRusic (1979), Scott (1982, 2001), Preston (1982, 2002), and Francis & Morantz (together and individually- 1983, 1992, 2002). Ferrara’s (1999) psychological study on pictorial representations among the Cree and Adelson’s (2000) research on well-being were also of interest. This research was very useful in providing an understanding of the traditional subsistence lifestyle of the Cree and of historical events that have influenced their way of life. This information provided insight into actual Cree attitudes, concerns and actions pertaining to the *Paix des Braves*.

While previous academic writings about the Cree have been based on research models that attempt to construct a meta-narrative of Cree society, culture, and identity, this thesis used the concepts and approaches of Foucault and postmodernist theorists in general. The intent, therefore, was to build on previous research by adopting a

perspective that considers influences from the past in terms of, not how they *define* the Cree in a reified sense, but how these influences are integrated into their continuing process of becoming.

## 2 Methodology

The methodological approach of this thesis is to focus on the *history of the present* in Foucault's terms, that is, the links within contemporary Cree society between leadership and organisation, discourse and communication, and values and ethics, in order to understand Cree responses to the *Paix des Braves* of 2002. As elaborated in the conceptual framework, this approach differs from historical or anthropological approaches in that it does not attempt to create a continuous meta-narrative of Cree social reality. Although considering traditional social practices that predispose the Cree to certain kinds of responses is important, this approach is based on elaborating the emergence of concepts of truth, normality, and morality in Cree society, not as final terms but as "episodes in a series of subjugations." (Foucault, 2006, p.376). As in any society this is always contested ground, but understanding how certain social practices have become normalised and operationalised within Cree society leads to a better understanding of Cree responses to the *Paix des Braves*. How were arguments both for and against the Agreement mounted on the basis of what it means to be Cree and what is in the best interest of the Cree? How can Cree responses to these arguments be understood on the basis of existing social and communicative practices?

The methodology consists of documenting Cree responses that emerged in response to the Agreement within a framework of established social norms and practices and *problematizing* these norms within a system of thought and procedures. Social norms and practices can be conceptualised as consisting of three major areas: organisation and power, discourse and communication, and values and ethics. The use of these three categories is an adaptation of Foucault's "fundamental elements of any experience...a

game of truth, relations of power, and forms of relation to oneself and to others.”

(Foucault, 1997, p.117) Foucault viewed himself as a *historian of mentalities* and focused on how concepts became normalised and how they were used in relations of power. The analysis in this thesis aims to draw out the forces and changes at play in Cree society during the established time frame. Analysing matters of organisation and power, discursive and communicative practices, and values and ethics within traditional Cree society helped flesh out the context within which present-day Crees have responded and continue to respond to the *Paix des Braves*. Views, attitudes, and values in contemporary Cree society are not solely informed by its historical past but its influence is still relevant. To many, and perhaps most, it is also important. How this influence is to be balanced with that of current mainstream society is the challenge posed to each Cree individual. A genealogical analysis means taking into account norms and practices stemming from mainstream influences, not as they exist in mainstream society but, as they have been integrated into Cree society.

Many key concepts applied to this research are based on the writings of Michel Foucault. These include his ideas on genealogy, knowledge/power, truth game, regimes of truth, and subjectivation. Postmodernist research on the whole has greatly influenced the research approach of this thesis, including the works of Deleuze (1988) and Lyotard (1984, 1988). Also significant is the work of theorists more closely identified with cultural studies yet heavily influenced by postmodernist thought including Hall (1977, 1991), Grossberg (1995,1997), and Slack (1996). The significance of this approach in relation to the subject matter is that it provides a perspective on Cree responses to the *Paix des Braves* that links these to questions of truth formation, power, and ethics within

the specific context of contemporary Cree society. As previously discussed, an approach based on postmodernist and Foucauldian concepts is preferred to a cultural studies approach in this thesis because of its refusal to be confined by ideology. Nonetheless, cultural studies from Britain and elsewhere has also promoted interdisciplinarity and self-reflexiveness and in that respect is also of interest. With regard to methodology, Grossberg (1997) offered the following flexible and pragmatic approach: "...how cultural studies is to be defined and located in any particular project can only be determined by doing the work of cultural studies, by mapping/reconstructing the relations between discourses, everyday life, and the machineries of power" (p. 5). The methodological relevance of such an approach is that it does not overstate the place of discourse in research but views it, as Grossberg does, as an entry point. The primary matter of interest is not the discourse itself, but the articulations between everyday life and the formations of power. Grossberg (1997) contended that by going through the process of analysing the mediations of both culture (i.e. discourse) and theory, a different understanding of the context emerges. The importance of such an approach is its flexibility and commitment to understanding structures of power and challenging them (pp.5-8). The research perspective within this thesis is not to challenge specific power structures within Cree society as such but to open up a discursive space that might allow for such a challenge. This is done by elaborating upon the constitution of existing power structures, discursive and communicative practices, and concepts of values. The idea is not to advise the Cree on what actions to take but to bring to light their freedom to act, regardless of existing predispositions.

Whereas postmodernist and Foucauldian concepts shaped the theoretical framework for this thesis, various qualitative research notions helped reinforce its methodological and analytic approaches. Creswell's ideas on qualitative research are sufficiently broad to be compatible with postmodernist thought, as indicated by the following quote:

Qualitative research is an inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social or human problem. The research builds a complex, holistic picture, analyzes words, reports detailed views of informants and conducts the study in a natural setting (Creswell, 1998, p.15).

In my analysis of Cree responses to the *Paix des Braves*, I considered the five important traits that, according to Foucault (2000), characterize truth: scientific discourse and the institutions that produce it, economic production and political power, diffusion and consumption, political and economic apparatuses, and finally, ideological struggles.(p.131) However, the analysis in this thesis was not structured according to these categories but presented in a way that facilitates a better understanding of the issues at hand. The first of the two analysis sections presents an overview of the content and amendments of the Agreement in question. The second section contextualises Cree responses to the Agreement with regard to the agreement in principle; the consultation process; the referendum; the signing of the *Paix des Braves* on February 2, 2002; the implementation of the Agreement; the issues raised by the *Paix des Braves* on what it means to be Cree; matters of leadership, organisation, and decision-making; questions relating to subsistence and economy; and particular issues of communication and media. The approach taken to understand these contexts is that of genealogy. Foucault's concept of genealogy is not opposed to history but rejects metahistorical significations, indefinite



teleologies<sup>25</sup>, and the search for *origins*. (Foucault, 1998, p.370) Genealogy documents “the singularity of events outside of any monotonous finality” (ibid, 369). Foucault (1998) provided the following insight into the workings of genealogical analysis:

...genealogical analysis shows that the concept of liberty is an “invention of the ruling classes” and not fundamental to man’s nature or at the root of his attachment to being and truth. What is found at the historical beginning of things is not the inviolable identity of their origin; it is the dissention of other things. It is disparity (p.372).

Academic research done in relation to the James Bay Cree has been mostly in the areas of anthropology, sociology, and history. There has been very little research in the field of communication per se. Elberg and Salisbury’s 1976 report on Phase 1 of the Anik satellite service, Elberg and Visitor’s 1977 report on the regional communication network of James Bay, and my M.A. thesis from 1995 on Cree communications development and training needs are seemingly the only academic writings in communication pertaining to the Cree. The Elberg & Salisbury and Elberg & Visitor reports are of interest not only because of their accounts of early developments in communication but because of the insight they provide into the Cree social context within which these occurred. For example, in the former report, there is an interesting account of how the introduction of television in the North was viewed not with apprehension but with the hope it would help bridge the generation gap that was developing between Cree who had never been South and the younger Cree who were becoming acculturated through “southern” formal education. Interesting connections can be made between Cree responses to this situation and those pertaining to the *Paix des Braves*. The similarity that emerges is the positive attitude, trying to find good in a situation. There were a few

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<sup>25</sup> “Teleology is the philosophical doctrine that all of nature, or at least intentional agents, are goal-directed or functionally organized..” (Audi, Gen. Ed., 1999, p.905)

examples of this kind of response in this research with regard to the more traditional Cree.

This thesis is about communication in a broadly defined sense, communication being viewed as a social practice. Therefore, research information pertaining more specifically to communications technology or media only address part of the concern of this work. Historical and anthropological accounts are equally important in informing this research, particularly with regard to Cree interpretations of truth formation, power, and ethics. Academic research done in relation to aboriginal communication or broadcasting in general or within other aboriginal social contexts includes the writings of Valaskakis & Roth (together and individually: 1983, 1989, 2005), Lonner & Thorndike (1985), Granzberg (1985), Banks (1983), Hargrave (1990), and Koebberling (1988). It is interesting to consider and analyse similarities and differences between the Cree and other aboriginal peoples in communication based on this research. One must be cautious, however, not to over-generalise on the basis of findings within other aboriginal environments and assume these with regard to the Cree. One common issue, however, was that of “fair access,” a matter I refer to in my M.A. thesis as “not merely an abstract rights issue... but a matter which has implications relating to financial, technological, human and educational resources” (Oblin, 1995, p.28). There is also a parallel here with the *Paix des Braves* with regard to the connection between resources and the protection of Aboriginal interests. This issue emerged mostly with regard to concerns expressed about the application of the Agreement favouring Quebec over the Cree because of a lack of administrative resources.

The concerns involved in the matter of the *Paix des Braves* have a certain resonance with aboriginal issues globally but, from a methodological perspective, great selectivity was required here in order to remain focused on the specific research topic of this thesis. Nonetheless, one particular work of interest within this research is Maori academic Linda Tuhiwai Smith's 1999 publication, *Decolonizing methodologies: Research and indigenous peoples*. This work is interesting in that, while clearly informed about mainstream research approaches, it proposes research based on indigenous thought, needs, and priorities. These need to be negotiated within the social research context. The following passage from Tuhiwai Smith (1999) conveys a sense of what research within indigenous or First Nations settings entails:

Indigenous research focuses and situates the broader indigenous agenda in the research domain. This domain is dominated by a history, by institutional practices and by particular paradigms and approaches to research held by communities of like-minded scholars. The spaces within the research domain through which indigenous research can operate are small spaces on a shifting ground. Negotiating and transforming institutional practices and research frameworks is as significant as the carrying out of actual research programmes. This makes indigenous research a highly political activity and while that is understood by very experienced non-indigenous researchers and organizations it can also be perceived as a threatening activity (p.140).

Tuhiwai Smith also called attention to differences between insider and outsider research. She stressed the importance of building research support systems in the indigenous research communities, and pointed out the need for reflexivity for the insider researcher while being conscious that they have “to live with the consequences of their processes on a day-to-day basis for ever more, and so do their families and communities” (p.137).<sup>26</sup>

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<sup>26</sup> Although I cannot claim to be an insider with regard to the research done for this thesis in the sense given by Tuhiwai Smith, there is nonetheless a sense of familiarity about the issues and concerns she

Non-academic writings about the Cree that were also of interest for this research are documents, reports, and press releases issued by the Cree leadership (i.e. GCCEI/CRA, previously GCCQ/CRA) and entities (e.g. CSB, CBHSSJB) and by the government of Quebec, including the *Paix des Braves*, and the JBNQA of 1975. Media information from Cree publications (particularly the *Nation* magazine, a major source of information in Eeyou Istchee), mainstream publications, and visual media (e.g. *One More River*, a Gemini Award nominated film that takes a critical view of the *Paix des Braves*) also provided useful information. Also of interest were the personal accounts of Boyce Richardson (1977) and James Scanlon (1975). Richardson's "Strangers Devour the Land" provided a human face to the Cree struggle of the early 1970's to counter developmental incursions into Eeyou Istchee. Scanlon's "The Inlanders: some Anglicans in Nouveau-Quebec" related the history of the Anglican Church among the Cree and personal experiences of Rev. Scanlon; it was mostly interesting for its sense of the "lived experience" of the late 1950's and early 1960's in northern Quebec.

Although the focus of this thesis is on Cree responses to the *Paix des Braves* and not on the Agreement itself, it was nonetheless important to provide some analysis of the Agreement as context. Reports and press releases published by the Cree leadership and bureaucracy provided insight into their *system of thought and procedures*, in Foucauldian terms. Media coverage highlights the contentiousness of some of the issues pertaining to the Agreement; more specifically, the way in which it was handled and communicated by the Cree leadership. There are a number of quotes from the *Nation* within the analysis,

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raised. The approach chosen for this thesis was due in part to the appeal Foucauldian and postmodernist approaches hold for me, but also seemed fitting as a humble and respectful way of dealing with Cree people and issues.

and the influence of this and other media- i.e. community radio, JBCCS regional radio, CBC Cree radio programming- is considered in the questionnaire analysis.

Although this research could only involve a small segment of the Cree population, efforts were made to make it representative. Bauer and Aarts (2000) presented the following opinion on what makes research representative: "...the sample represents the population if the distribution of some criterion is identical in the population and in the sample" (p.20). They also stated: "In principle, there is a need to prove that the sampling criteria and the focal variables actually correlate. However, in practice, one often assumes that if the sample represents the population on a number of criteria, then it will also represent the population in those criteria in which one happens to be interested..."(ibid). The main goal in terms of research participation was to obtain an equal number of coastal and inland participants. As for the demographics of research respondents in other areas, it was difficult to foresee the end results since questionnaires were mostly distributed on a random basis and these accounted for the majority of research participants. The reason for focusing on an even coastal-inland representation was that differences between the two groups pertain not only to uses of dialect, but to potential environmental impacts from development projects stemming from the Agreement. The coastal communities of Whapmagoostui, Chisasibi, Wemindji, Eastmain, and Waskaganish are more impacted by hydro-electric development. On the other hand, the inland communities of Waswanipi, Oujé-Bougoumou, Mistissini, and Nemaska are more affected by forestry operations; Waskaganish is also affected to a certain extent. An approximately even split on the number of coastal and inland respondents was therefore the goal at the outset. The end result, however, was that over

two-thirds of respondents were inlanders. It was hoped that the number of Chisasibi participants would equal that of Waswanipi but, even with the cash incentive, this did not materialise. It is difficult to assess with certainty why I had greater difficulty getting people to participate in the research in Chisasibi than in Waswanipi but I would make the following suppositions. To begin with, I am better known in Waswanipi because my wife is a Waswanipi band member. Two of our three children live and work in that community, and they assisted me in getting people to complete questionnaires or participate in an interview or focus group. I have concluded from my experience through this research that having research associates from within the communities is of utmost importance. I believe that it is in great part a matter of trust. Issues have rarely been as controversial as that of the *Paix des Braves* for the Cree, so reluctance to discuss the matter with an outsider is understandable. Another factor that may have affected participation in Chisasibi was that my research in that community was done just prior to “goose break,” a time of the year where most other things are given secondary consideration. Although most people had not yet gone out on the land for the goose hunt, many were preparing to do so and participating in my research by and large was not a high priority. The end result is that the coastal Cree are quantitatively underrepresented in my research, but it is hoped that the greater importance attached to the qualitative and thematic features of my findings helps redress that imbalance.

Information and opinions were also obtained from focus groups and face-to-face or telephone interviews carried out in keeping with a qualitative, non-structured approach. The focus throughout was not on providing numbers or percentages but on fleshing out the context within which Cree people responded to the AIP and *Paix des*

*Braves*. Research preparation included distribution of a questionnaires, setting up an Internet research site<sup>27</sup> (see Appendix 'C'), printing and distributing calling cards (see Appendix 'D'), containing contact information including the web site address, advertising the research in the *Nation* magazine (see Appendix 'B'), increasing awareness about the research by doing a radio interview on CBC Nord Quebec,<sup>28</sup> and travel to three Cree communities to obtain information via interviews, questionnaires, and focus groups.<sup>29</sup>

Besides the information obtained through the use of questionnaires, the analysis included that of recorded interviews and focus groups. It also included academic sources and organisational and administrative documents. The academic sources included theory, research about the James Bay Cree of northern Quebec, research in communication relating to the Cree, research in communication pertaining to Aboriginal peoples of Canada, and general research concerning Aboriginal peoples globally. Non-academic sources included information by and about the Cree, particularly that which relates to the *Paix des Braves*, and media coverage of the agreement. It also included, to a lesser

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<sup>27</sup> My research site was at <http://www3.telebecinternet.com/georgeoblin> The consent forms and questionnaire could be filled out on-line and sent via an e-mail link.

<sup>28</sup> The interview aired February 13, 2007 was conducted by Melissa Natachequan for the Cree-language morning show *Winschgaoug*. Some of the interview could be heard in English but what was aired mostly consisted of a Cree voice-over translation.

<sup>29</sup> The visit to Mistissini on November 27-28, 2006 was planned to coincide with a conference on diabetes taking place in the community at that time. Although calling cards and 100 questionnaires were distributed throughout the community, only 3 questionnaires were returned. More encouragingly, 3 interviews were conducted. The first visit to Waswanipi was done November 29-30 and December 1, 2006. Calling cards and questionnaires were distributed and 5 interviews were recorded. Prior to the second visit to Waswanipi, 17 questionnaires were obtained. The second visit to Waswanipi was January 11-12, 2007, undertaken to take advantage of the gathering of community members for their Annual General Assembly. This event created opportunities to inform the people of Waswanipi about this research through a half-hour PowerPoint presentation at the AGA and by being interviewed at the local radio station. The visit yielded 2 more interviews, a focus group with 10 young adults ranging in age from 26 to 36, and an additional 46 questionnaires. My last community visit was to Chisasibi from April 23-27, 2007, which resulted in an interview with Chief Abraham Rupert, a focus group, and 21 questionnaires.

extent, information pertaining to communications technology and media both as it relates to the Cree and as regards other Aboriginal peoples.

Although there were some quantitative elements within this research, these were of secondary importance. In keeping with Gaskell's (2000) view on qualitative research, the main purpose was "not counting opinions or people but rather exploring the range of opinions... Given a social milieu... what one is interested in finding out is the variety of views on the issue in question... and crucially what underlies and justifies these different viewpoints"(p.41). A qualitative research approach lends itself more easily than a quantitative one to a thesis based on postmodernist and Foucauldian concepts such as this one. Within this approach, the research subject matter is viewed as a case study, as defined by Creswell (1998) i.e. a study containing clear boundaries and contextual material (p.39). These contextual elements are viewed in a non-totalising, non-essentialist manner in keeping with the theoretical approach. Creswell (1998) contended that one reason for conducting qualitative research is to gain an "insider's perspective" (p.16). Although there are limits on the extent to which this can be achieved, it is nonetheless a worthwhile research goal. Creswell suggested a "general approach" from which issues will emerge within the field study. The amount of literature and theory included shapes the form of the qualitative narrative and the kinds of issues addressed lead to the use of open-ended research questions (ibid, pp.18-19). Creswell (1998) proposed the following approach to qualitative analysis: "We examine the qualitative data working inductively from particulars to more general perspectives, whether these perspectives are called themes, codes, or categories" (p.20) He also pointed to the kinds of difficulties one might encounter in distinguishing between the various activities within



qualitative research: “Recognizing the highly interrelated set of activities of data collection, analysis, and report writing, we do not always know clearly which stage we are in” (p.20). He suggested analysing data “using multiple levels of abstraction” (p.21). Gaskell & Bauer (2000) recognised that “(m)asures of correlation and variance are simply irrelevant to much qualitative inquiry, which concerns meanings and interpretations and not numbers” (p.343).

Creswell (1998) suggested that a case study requires clear boundaries and contextual material. The “case” must be bounded in time or place and be supported by “extensive material from multiple sources of information to provide an in-depth picture of ‘the case.’ ...” (pp.39-40). The data analysis in a case study is conducted through description, themes, and assertions (ibid, p.65). A “bounded system,” for Creswell, is what defines the perimeters of a case study. These perimeters relate to time and place (p.37). The perimeters for this case study were as follows: The people at the heart of this research were the James Bay Cree of northern Quebec, the main geographical focus was their land- known to them as *Eeyou Istchee*- and the main time period was from the introduction of the AIP in 2001 to the present.

In considering how many interviews are required, Gaskell (2000) suggested that it depends on the nature of the topic and the number of different relevant milieus. He stated that as common themes begin to appear, “progressively one feels increased confidence in the emerging understanding of the phenomenon” (p.43). As subsequent interviews produce fewer surprises one reaches a point of “meaning saturation” (ibid). Gaskell suggested an upper limit of 15-25 individual interviews and 6-8 focus group discussions (ibid). The research for this thesis included 23 face-to-face interviews conducted in

Mistissini, Waswanipi, Chisasibi, Val d'Or, Rivière-Héva, and Montreal, and two interviews done by telephone. There were 2 focus groups: one in Wawanipi on January 11, 2007 with 9 participants and one in Chisasibi on April 25, 2007 with 4 participants. The focus groups in Waswanipi and Chisasibi were formed ad hoc, through general invitation by word of mouth. This proved more effective than in Mistissini where it had been announced on radio and no one responded to the invitation. The information and opinions obtained through the focus groups were integrated into the overall analysis and not analysed separately. The information from the questionnaires was analysed on the basis of responses from Waswanipi, Chisasibi, other communities combined, and overall. Based on how Cree participation in the research emerged, it was decided that Waswanipi would be the main focus for the inland research and Chisasibi that for the coastal research. This would maintain a balanced representation of inland and coastal concerns and interests. There was also some involvement by participants from the other seven Cree communities, with a total of 10 research participants having completed the questionnaire and 9 people having been interviewed, including present and former Chiefs and Grand Chiefs.

Interview questions were formulated with the intent of obtaining additional insights into Cree responses to the AIP and *Paix des Braves* on the basis of the three main areas previously elaborated: discursive practice, ideology, and organization and power. Interviews were mostly done face-to-face, 21 in all; 2 were done by telephone. There were several interviewees from the Cree leadership, namely Grand Chief Matthew Mukash, former Grand Chiefs Ted Moses and Billy Diamond, Waswanipi Chief John Kitchen and former Waswanipi Chief Robert Kitchen, Chisasibi Chief Abraham Rupert

and former Chisasibi Chief Violet Pachanos, and Waskaganish Chief Robert Weistche. Some interviews were done with people known for their involvement as either strong supporters or opponents of the Agreement. Others were done more randomly on the basis of availability.

In order to maximize the opportunity to gain insight into each of the interviewees' perspective on the *AIP/Paix des Braves*, there was no strict adherence to a rigid set of questions. Rather, the aim of each interview was to obtain information that would be useful in a historically and socially contextualised analysis of Cree responses. In keeping with the qualitative research approach, different sets of interview questions were prepared in accordance with the interviewee's involvement or expertise pertaining to the *Paix des Braves* Agreement. For example, interviews with present and former Grand Chiefs and Chiefs contained more questions on leadership issues than other interviews. Questions would often be reviewed and revised just prior to an interview; these were often influenced by facts and opinions expressed in previous interviews or information gathered through other research approaches.

The research questionnaire could be completed and submitted online through a web site especially created for the purposes of this research.<sup>30</sup> There was an attempt, especially in Mistissini, to facilitate the return of questionnaires by distributing them in self-addressed, stamped envelopes but this proved to be unsuccessful as only 3 questionnaires were returned. Providing a cash incentive of one-hundred dollars for the winner of a draw from among all who had completed the questionnaire at the Waswanipi Annual General Assembly proved much more productive; in all 63 questionnaires were

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<sup>30</sup> The web site was <http://www3.telebecinternet.com/georgeoblin>

obtained from that community. The cash incentive was also repeated in Chisasibi although the result was not as fruitful; 21 questionnaires were obtained there.<sup>31</sup>

The initial goal of the research was to include about 400 participants, approximately 5% of the voting age population of approximately 8000. This would include all interviewees, questionnaire respondents, and focus group participants. In the end this objective proved more difficult than anticipated and the actual number totalled 131, just over 1.5% of the voting age population in January 2002<sup>32</sup>. There were 96 questionnaires received in all from all sources, 13 people participated in the research through focus group discussions, and 22 interviews were done with Cree people.

Prior to presenting an analysis of these Cree responses to the *Paix des Braves*, what follows are a few observations on the results of the methodology.

One of the questions on the questionnaire used for this thesis research asked about “the biggest problem in understanding the AIP.” Respondents were asked to prioritise their answers. The choices given were “language issues,” “lack of information,” “lack of time,” and “other (specify)\_\_\_.” One research participant, a supporter of the *Paix des Braves*, commented that this was a leading question as it assumed a problem in understanding. This was a valid observation and, in retrospect, should have been worded differently. Perhaps it should have been a two-part question, the first part asking whether they thought there was a problem in understanding the Agreement. The second part would have asked what the biggest problem was.

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<sup>31</sup> Obtaining information through cash incentives could raise questions about its reliability since, in some cases, people could participate just to have a chance at a cash prize. However, on the basis of the information received, I believe almost all were genuine in completing the questionnaires.

<sup>32</sup> The voting age Cree population on January 31, 2002 was 8,158 (source: James Diamond, GCCEI/CRA).

Another question on the questionnaire pertained to the most important source of information on the Paix des Braves. Research participants who completed the questionnaire were asked to rank the order of importance of various sources of information on the AIP/*Paix des Braves*, including media. At the outset of the research it was assumed that the *Nation* magazine had been, and continued to be, the most important source of information for most Cree on the issue of the *Paix des Braves*. Therefore, the *Nation* became the main focus of the analysis of media coverage of the agreement.<sup>33</sup> Cree media, including the *Nation*, were an outlet for not only official views on the agreement such as those of the GCCEI/CRA but also of individual Crees. Although the *Nation* was an important source of information on the Agreement for some, the research results indicated that for most Cree the most important source of information was that presented during the community consultation tour. In retrospect, perhaps broadcasting and print media should not have been combined with “consultation tour meetings” and “family & friends” as it was under “information that most influenced your decision.” Nonetheless, it was revealing to find that direct communication, i.e. the consultation tour, and family and friends were deemed to be more important sources of information than media. Katz (1956), in reference to analysis done by Lazarsfeld, Berelson & Gaudet (1948) on decision-making during an election campaign, pointed to how they had come to a similar conclusion. The “two-step flow of communication” hypothesis held forth the idea that “people were still most successfully persuaded by give-and-take with other people and...the influence of the mass media was less automatic and less potent than had been assumed (p.346).” The “two-step flow” refers to how media influence opinion leaders, and how they in turn influence the general population *ibid*, pp.348-349).

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<sup>33</sup> Coverage was also provided by JBCCS, CBC Cree programming, and community radio stations.

However, within the Cree community and societal context, opinion leaders are not the same for everyone, as implied in the two-step flow hypothesis. My sense of it is that information considered important for most Cree is closely tied into family networks. Therefore, while opinion leaders may be more influential than media, these may vary from family to family. I can offer no more than anecdotal evidence of this as I did not set out to analyse how such influence may vary from individual to individual, or from family to family, at the outset of my research. It would be interesting, however, for future research in communication with the Cree to look more closely at the relative influences of media, on the one hand, and social networks, on the other.

If then, direct communication and social networks were more influential than media, these likely had a strong influence on how people voted in their community referendum on the AIP. In order to assess the degree of support that existed in the Cree communities at the time of my research – about five years after the signing of the *Paix des Braves* - research participants were asked: “Would you vote ‘YES’ in a referendum now?” An opponent of the *Paix des Braves* suggested that this should be followed by the question, “Would you vote ‘NO’ in a referendum now?” Perhaps a better solution would have been to reword the question altogether, e.g. “How would you vote if a referendum on the *Paix des Braves* were held now?”

### 3. Analysis

Archaeological research suggests portions of James Bay were inhabited a minimum of five thousand years ago. The first recorded meeting between Indian and European in James Bay took place early in 1611 near the mouth of the Rupert River. (Francis & Morantz, 1983, pp.13-16) In February 2002, with the signing of the *Paix des Braves* Agreement, the Cree leadership and the government of Quebec agreed to the damming of that river. Understanding how that decision came about and how the Cree have been responding to it is a key point in this analysis.

As elaborated in the previous sections on conceptual framework and methodology, the research material of this thesis was analysed from a postmodernist and Foucauldian perspective. The information was presented in a way that was meant to best facilitate understanding of the people, places, and situations at the heart of this research. Therefore, basic information on the Cree people such as geographical locations and brief histories of their communities was provided in the introduction. More detailed analysis was presented in the following sub-sections that include an overview of the content and amendments of the *Paix des Braves* Agreement, Cree responses to the *Paix des Braves*, the Agreement in Principle, the consultation process, the referendum, the signing of the *Paix des Braves* on February 2, 2002, the implementation, thoughts and perspective on what it means to be Cree, matters of leadership, organisation, and decision-making, the importance of a subsistence lifestyle and of the market economy for the Cree, and the place of storytellers and media in Cree society.

Much of the information that formed the basis of this analysis was derived from the 23 interviews, 2 focus groups and 96 questionnaires obtained through research for this thesis. Waswanipi provided 67% of completed questionnaires, Chisasibi 23%, and other communities combined 10%. Overall, 63% of participants identified themselves as male, 35% female, and the remaining 2% did not indicate. This information has been analysed within the 9 sub-sections of 3.2 Contextualising Cree responses to the *Paix des Braves*.

### 3.1 The *Paix des Braves* Agreement: Background and Overview of Content and Amendments

Former Grand Chief Ted Moses (personal communication, June 21, 2007)

explained the origin of the name *Paix des Braves* as follows:

I used the term in a speech I made in the National Assembly, in the *Salon Rouge*, at the time of the signing of the Agreement in Principle. We were thinking of a short, interesting and catchy title to the Agreement because it is a very long and (*laughs*) boring title. It's basically like any agreement. It's an agreement between 'le gouvernement du Québec and the Cree Nation with regards to a new relationship on..., ' you know. So just as a labelling thing it makes it very long for anyone that wants to make... We needed a shorter handle... so we came up with the term *la paix des braves* meaning it's an agreement that was forward looking but yet addressed a lot of the issues... and a lot of issues that were sensitive to the Crees, meaning that the leaders of two nations were brave enough to make peace with each other over issues that have been big issues and have been fought in court and the media and the public. Making peace was a big thing. It was a big objective.

The former Grand Chief explained that the media picked it up from there and the term stuck as a reference.

The *Paix des Braves* Agreement (see Appendix 'A') stems from the JBNQA of 1975. Grand Chief Matthew Mukash (personal communication, March 26, 2007)



explained that it was an implementation agreement that pertains to unimplemented sections of the JBNQA by Quebec.

In the early 1970's the Bourassa government threatened to flood large parts of *Eeyou Istchee*. Richardson (1977) provided the following account of the scope of the proposed development:

The scheme which the hunters felt would destroy their way of life was enormous even by the standards of North America. It would create dams or diversions on seven of the great wild rivers running through the Cree and Inuit hunting grounds, establish huge reservoirs across the low-lying wilderness and generate 30 percent of the power that the whole of Canada was now producing each year. An area of 133,000 square miles (three times the size of New York State) east of James Bay had been created [as] a single municipality and placed under the control of a Crown corporation, the James Bay Development Corporation, set up by the Quebec government. The corporation had ignored the protests of the Indians and had already built roads, airports, construction sites, was preparing the way for the first dam and was actively encouraging mineral exploration all over the territory" (p.20).

Billy Diamond and Philip Awashish were among the young Cree leaders who emerged to protect Cree rights and interests in the face of this intrusion into *Eeyou Istchee*. Having succeeded in getting Cree rights recognised through the court system but faced with the uncertainty of future legal challenges from Quebec, the Cree leadership finally agreed to sign the JBNQA. There was, it seems, a sense of inevitability that the government of Quebec would proceed regardless of Cree interventions since infrastructures, materials and workers were already in place for the building of dams in the James Bay region. James Bobbish, who has been both Chief of Chisasibi and Executive Director of the CBHSSJB, described the JBNQA as "the first relationship" and "the initial contract" between the Cree and the federal government, the government of Quebec, Hydro-Quebec, SEBJ, and other signatories (personal communication, March

23, 2007). Bobbish stated that the Cree leadership, starting with Billy Diamond, had had “many fights” with the governments of Quebec and Ottawa with regard to the implementation of the JBNQA. The section of the JBNQA that deals with economic development, Section 28, was one of the major areas not being implemented by the governments. There were also a number of provisions within the JBNQA that were being interpreted in different ways by the various parties to the agreement. In Bobbish’s opinion, there were no right or wrong interpretations of these provisions; it all depended on the position of the party in question. The end result, however, was numerous court cases and slow implementation. One of these court cases was the 1990 Matthew CoonCome case, a multi-billion dollar court case that involved many sections of the agreement. It was launched against Quebec for alleged unfulfilled obligations going back to the signing of the JBNQA in 1975.

Mukash (personal communication, March 26, 2007) also mentioned the unwillingness of both the federal and Quebec governments to fully implement the JBNQA. Some programs and services were delivered as anticipated but commitments within many sections of the agreement were outstanding. Certain hydro-electric projects were contained within the JBNQA, including technical descriptions of the proposed projects. There were to be three phases: the La Grande Complex, the Great Whale River project, and the Nottaway Broadback Rupert (NBR) project; the La Grande project was carried out in the 1970s, and the Great Whale River project was announced by Premier Bourassa in the 1980s. But since the Cree leadership was having difficulty negotiating with both levels of government they were unwilling to go any further in implementing the JBNQA and the campaign to stop the Great Whale project was launched. It was an

international campaign that lasted a number of years until the project was finally shelved in the mid-1990s.

The Quebec government consequently also stopped implementing the JBNQA with regard to its obligations to the Cree. That is why Section 28 remained unimplemented. Ted Moses (personal communication, June 21, 2007) explained that following the signing of the JBNQA in 1975, Quebec thought Cree consent was all they needed for hydro-electric development to proceed in the North. The Cree consented to La Grande. They then thought they held all the cards to continue with development and went ahead with La Grande. There were no structured means to proceed with the delivery of many aspects of the JBNQA. Also, the governments felt that they “had been ripped off by the Crees,” according to Moses, because so much was included in that agreement. Therefore, there would now be an effort to contain the Cree by not giving them any more. The PQ was elected in Quebec only a few years after the signing of the JBNQA and there was political tension between Ottawa and Quebec. “The two governments were not collaborating. They were not even talking to each other,” added Moses. Therefore, Section 28 was left aside and was never implemented. Moses stated the federal government used “the floodgates argument” that if they gave such-and-such to the Cree, all other Native groups would want the same.

Cree opposition to the proposed Great Whale project was strong, vocal, well-orchestrated, and consensual. Within the context of these earlier interactions between the Cree leadership and the governments of Canada and Quebec, news of the AIP concluded with the Landry government in 2001 struck some as a change of course. One research participant expressed how the endorsement and promotion of the AIP by the Cree

leadership was so different from what they had been saying before. She pointed out how former Grand Chief Matthew CoonCome had gone to New York and elsewhere to obtain support for Cree opposition to hydro-electric development in northern Quebec. The Cree had mounted a strong and effective campaign against the proposed Great Whale project, “then suddenly, whoops!...” she added, “this is who we are now?” (focus group, Waswanipi). It is interesting to consider how this perceived change of course by the Cree leadership is tied in to a sense of identity for a number of Cree. Other research participants also made a connection between agreeing to *development* and loss of identity.

When asked if he thought the Paix des Braves was a change of course for the Cree, Ted Moses answered:

Yeah. It was a change of course, but the policy during the Great Whale fight...if we had continued that policy wouldn't have led you to establish your place in the socio-economic and political landscape of Quebec. And later on you become a victim, and you become so hurt as a victim that you can't find any healing in that and it becomes just... a way of life. Having to change that is a big challenge but when that challenge is for the better of the Cree Nation then, why not? And the circumstances under which development takes place makes it more interesting for the Crees.

Grand Chief Mukash stated there were intense negotiations following the Cree campaign to stop the Great Whale project. There was a Memorandum of Understanding (MOU) with Quebec to settle outstanding obligations but still Quebec did not budge. Meanwhile, several decisions were handed down by the Supreme Court of Canada that required the government and developers to consult and accommodate aboriginal peoples concerned by development within their territory. With all this pressure in favour of the Cree, including the Supreme Court decisions and international awareness raised by the campaign to stop the Great Whale project, the government of Quebec saw an obstacle in

promoting further hydro-electric projects in Cree territory. Therefore, in 2001 the Quebec government made an offer to settle outstanding obligations with the condition the Cree accept the damming of another river, the Rupert River. This would replace the NBR project that was proposed in the JBNQA. The Quebec government would also settle their obligations to the Cree under Section 28 of the JBNQA, which concerns economic development. Other sections of the JBNQA were also to be settled and there would be recognition of the right of the Cree to be partners in the development of the territory (personal communication, March 26, 2007). The Cree leadership signed the AIP in November 2001. Then there were three months of intensive consultations and negotiations with the Quebec government. In February 2002 the final agreement was signed. An important aspect of this agreement was the settlement of court cases. These, however, remain unresolved with the federal government as Ted Moses pointed out (personal communication, June 21, 2007). The Cree agreed to withdraw court cases in return for settled obligations on the part of Quebec. Court cases dropped included the Matthew CoonCome case. Mukash stated: "I guess what Quebec did was, they put everything in a basket. They went through all the memoranda of understanding that was (sic) signed, up to 2001, and they put everything in a basket as a proposal to the Cree Nation to settle." Mukash indicated that given the opposition of the Cree Nation to hydro-electric projects, Quebec wanted to make sure there would be no further court cases regarding development projects in the future. Therefore, the Rupert River diversion was written into the *Paix des Braves* Agreement. Cree consent was given through the signing of that agreement but it remained subject to environmental assessment. Grand Chief Mukash stated that some may have voted<sup>34</sup> in favour of the Agreement hoping that

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<sup>34</sup> The vote referred to here pertains to the referenda that took place in the Cree communities on

the impact assessment would prevent the actual damming of the river but there was a risk in doing so.

Included in the *Paix des Braves* Agreement are issues pertaining to forestry, hydroelectricity- including the EM 1 and Eastmain 1-A/Rupert Project projects, mining, economic and community development, the financial provisions of the Agreement, creation of the Cree Development Corporation, an agreement on legal proceedings pending at the time of the Agreement, procedures for the settlement of possible future disputes, and several other provisions.

The financial benefits of the Agreement for the Cree are obvious; they are to receive in excess of 3.5 billion dollars over the fifty years of the Agreement's duration. The Agreement also resolves long standing legal disputes with the government of Quebec over a number of issues; matters that demanded a great deal of time, effort and money on the part of the Cree. Constant political opposition and legal challenges to the government of Quebec had taken its toll. In an interview with the *Nation*, Grand Chief Ted Moses gave the following answer to the question:

*How did the Agreement come about?*

It's a combination of many things, past efforts, the Cree campaigns and statements. The fact that we have close to 30 legal proceedings that have been filed. The fact that we are in court on forestry, which has been perceived as a threat. Campaigns in the states and Cree participation in international forums. It's a combination of the efforts of everyone in the past 20 to 25 years to implement the James Bay and Northern Quebec Agreement. The differences between the Crees and Quebec was (*sic*) getting wider and we live in the same province.

We showed we'd rather negotiate than litigate. We want results rather than an ongoing fight. My meetings with Premier Laundry (*sic*) talked about development, whether we consider ourselves a nation and my feelings about revenue sharing and partnership. Whether the Cree and Quebec can coexist came

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whether or not to support the signing of the *Paix des Braves*.

up. I think the events of September 11<sup>th</sup> played a role in showing we live in a really small world. We cannot let our differences divide us forever (*Nation*, vol.8, no.25, Nov.2, 2001, pp.10-11).

The former Grand Chief elaborated on some of these matters in his interview for this thesis. He explained that before the *Paix des Braves* individual Cree communities were beginning to enter into talks with Hydro-Quebec. For example, Mistissini was negotiating on the development of the Rupert River in which Hydro-Quebec and the Cree would be partners. There was, however, no coordinated Cree effort as a whole “to negotiate from a position of strength” as Moses put it. He saw the situation preceding the *Paix des Braves* as a stalemate between Quebec and Hydro-Quebec’s shattered dream of hydro-electric development and the stalled Cree vision of participating and benefiting in development.

Another perceived benefit was the removal of many of the bureaucratic obstacles that existed with regard to obtaining government funding for a number of programs and services. The Agreement also expresses the government of Quebec’s recognition of the rich cultural heritage of the Cree and the importance of their language and culture *in a context of growing modernization* (Agreement concerning, 2.2).

The agreement between *Le Gouvernement du Québec* and *The Crees of Québec* is said to be a nation-to-nation agreement. The framing of the Agreement in these terms appears to recognise the existence of a *Cree Nation* in some way separate from *the Québec Nation*, since one obviously does not enter into an agreement with oneself. However, the Agreement does not define *nation* nor does it explain in what terms it is in fact a nation-to-nation agreement. Ted Moses (personal communication, June 21, 2007) said *nation* was a term that was advocated for many years by Aboriginal leaders and

Aboriginal organizations: “The type of relationship that we all aspire to as First Nations is on a nation-to-nation basis, government-to-government.” He stated that this idea doesn’t work out as well with the federal government. However, it seemed to be in the Quebec government’s interest at the time to trumpet the joint nationhood of Quebec and the Cree. Moses explained: “To put it in the Quebec context you have the PQ who was the government and who were aspiring to be recognised as a nation. If you aspire to be a nation but yet you deny nationhood to others then how can you have other people recognise the same principle?”

Close examination of the Agreement does indicate that while it proposes a co-operative partnership “based on the common will of the parties to continue the development of the James Bay Territory and to seek the flourishing of the Crees and the Cree Nation within a context of growing modernization” it is questionable whether it is an equal partnership. (ibid: 2.5a) The Agreement in no way affects the rights of the Cree with regard to their territory as defined in the JBNQA, but “allows the parties to work together” with regard to mining, forestry, and hydroelectric resources. (ibid: 2.5c) It is on the basis of *how* the two parties are to work together and who has the final say that it is possible to question the equality of that partnership. The Agreement has a number of conflict resolution mechanisms that include Cree and Quebec representation. In principle, Cree concerns can be addressed in this way, but this system may arguably only work for the bigger issues that require high level political involvement.

Billy Diamond stated that the best thing about the Agreement being nation-to-nation was that the Cree no longer have to settle matters at a low bureaucratic level but rather at a high level, directly at the Premier’s office. That is why the Standing Liaison



Committee was created, he said. It is a high level committee. The difficulty Diamond had with the nation-to-nation idea was that, in his estimation, it works in times of peace when confrontational methods are set aside but “then when elections take place the leader that’s elected on the basis that he’s going to continue Quebec bashing finds himself with an agreement, and he has to tone it down considerably.” Diamond also said that with nation-to-nation “you deal a lot not necessarily at a political level or a Chief’s level but a lot at the technical level, at the level of lawyers. That’s what I found, an increase in people speaking for the Cree. That’s been hard. That’s been a little difficult” (personal communication, April 12, 2007).

The way the system is supposed to work is that the *conseil exécutif* analyses matters in order to inform and guide government departments. If any department is not doing what it should, it receives word from the *conseil* (personal communication, Ted Moses, June 21, 2007). When it was suggested to former Grand Chief Moses that this might be putting a lot of trust in government interpretation, he replied that this was a joint Cree-Quebec roundtable.

The problem appears to be at the community administrative level where the lack of funds and human resources, compared with their Quebec counterparts, makes it questionable whether the Cree can hold their own in attempting to balance their interests with those of Quebec. A Cree administrator who is responsible for implementing the *Paix des Braves* within his area of responsibility, forestry, commented that there was not enough money coming into the community to deal with its mandates. There was a shortage of staff, he stated, and a shortage of funds to ensure his community could offset the possible negative effects of the development agreed to under the Agreement. He

stated that when he expressed the difficulty of his situation to the Quebec and industry representatives they did not seem to understand the needs of the Cree. He stated that government representatives often invoked the Forestry Act when it was favourable to them instead of the *Paix des Braves*, which he took to mean that the Forest Act would always prevail (personal communication, confidential).

In response to a question as to why the last resort for conflict resolution seemed to be a Quebec government Minister in what is supposed to be a nation-to-nation agreement, Ted Moses said: “It was clear that the last resort was me and Landry at the time. But that didn’t prevent me from also trying to resolve this thing at the level of the Minister.” When asked further about possible options if a conflict situation made its way to a Minister through the conflict resolution process and then he made a final decision, Moses said: “Then I had access... I could go to Landry, and Abel<sup>35</sup> had access to the *conseil exécutif* to the Cree-Quebec round table... But it was at the round table where a lot of these things were sorted out so it wouldn’t be necessary for us now to... We put those people there to do the work so ...*(laughter)*...” Moses agreed when asked if the court would then remain the last resort if agreement could still not be reached. He added: “The idea is not to get there. The idea is to bring people together to discuss the thing and to look at a solution. If it can’t be done at a certain level then you bring it up to the next level. Then when you bring it up to the next level you have to demonstrate that you really, really tried and you can’t resolve it within that level. And then, you’d better have a good reason for not being able to resolve it before it gets to the top. If there’s one in every ten years, that’s good” (personal communication, June 21, 2007).

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Moses was referring here to Abel Bosum, key negotiator for the Cree.

The *Paix des Braves* has meant that besides negotiating an end to legal proceedings by the Cree against Quebec, the government obtained Cree consent to carry out the Eastmain 1-A/Rupert Project. The loss of the Rupert River that will result from this project has probably been the most controversial concession made by the Cree with regard to the Agreement. Ted Moses (personal communication, June 21, 2007) agreed with that assessment. While supporters of the *Paix des Braves* conceded that the Rupert River was to be sacrificed, they argued for a need to compromise. They also argued that the Nottaway-Broadback-Rupert (NBR) project, proposed in the JBNQA of 1975, would be shelved as a result of the Agreement and that the environmental impacts of the NBR would have been far worse than those of the Rupert Diversion. Ted Moses explained that the Rupert Diversion per se was not a part of the JBNQA. But there was the NBR. So the Rupert Diversion was in a certain sense more acceptable than a megaproject like NBR. Under the JBNQA when you make changes to a project, when you change the water levels, when you change the installed capacity of a turbine, then that is subject to an agreement with the Cree. A detailed complementary agreement on those changes is required. Moses thought it was a good thing such a condition was included in the JBNQA because it gave the Cree some clout with regard to such changes. The Rupert Diversion therefore required such a complementary agreement. The NBR was also cancelled as a result of this agreement. Whether the Nottaway and Broadback can still be developed is still a question, according to Ted Moses. Moses disagreed with the notion, proposed by certain opponents of the *Paix des Braves*, that development of the Nottaway and Broadback would not have been economically feasible. If these opponents were correct, Moses' argument that agreeing to the Rupert Diversion was a good compromise would

seem more questionable. According to Moses, the development of those rivers may not have been viable at the time of the Agreement but it could be in the future depending on the demand.

There are interesting parallels between the political climate leading up to the *Paix des Braves* and that surrounding the JBNQA. Richardson described how the proposed hydro-electric development of the early 1970s was considered by the Quebec political leadership of the time as “the cornerstone for a great economic leap forward that would save Quebec from the political threat of separatism.” (21) The Liberal Party was in power at that time under the leadership of Premier Bourassa whose dream it was to harness the power from the North. Richardson (1977) asserted that “politically and economically, the stakes were high”. (21) The stakes, as the Quebec leadership perceived it at the time according to Richardson, were the survival of the French language and culture in North America: “It was this nationalist ethic, harnessed to a technological dream, which the Indians and Inuit now had to fight” (p.22).

Arguably, the stakes were also high for the Parti Quebécois (hereinafter referred to as PQ) under Premier Bernard Landry when his government sought to work out a deal with the Cree in 2001. This time around, it was not the threat of Quebec separation but rather, its pursuit that appears to have been driving the agenda. The PQ’s nationalist ethic, unlike that of Bourassa, was linked to a dream of a separate, economically viable state. That dream had just fallen short of majority support in the Quebec referendum of 1995, and had been dampened by threats of Quebec partition should it choose to declare its independence from Canada. Through its own referendum that same year the Cree had made it clear that, in the event of Quebec secession from Canada, it would opt to remain

within the Canadian federation. The Cree voted about 96% in favour of such a stand. It was therefore significant for the Landry government to neutralise Cree opposition by working out an agreement with them. Such an agreement could possibly make the notion of Quebec sovereignty more viable and secure greater support for the re-election of the PQ.

Ted Moses talked about how the negotiations with Quebec were tied in with the political situation at the time. This discussion came about in response to a question on whether the Cree could have negotiated for more time to decide on the Agreement. He answered:

Well, anything is possible in my opinion. But you've got to look at it within... you know... what is the political scene in Quebec? You know, when are elections? We knew that there was going to be elections soon and you don't want to be caught in a situation where you are in negotiations and then all of a sudden there's a change in government. So what you've negotiated flies out the window and you've got to start over again. Now you've got different people, different players, different philosophies. But for me there was plenty of time. Many of the issues were not new issues, they were already known issues. They were in the James Bay and Northern Quebec Agreement, Section 28. EM1 was in there, except in the agreement it says "when feasible"; it became feasible. NBR is in the agreement, and in cancelling NBR... that's a big, big, big thing....

He added that the gains pertained to what had been talked about for many years. This was acting as a government, determining one's own priorities. He said it was like a treasury that can be relied on, on an annual basis, without the extinguishment of any rights. He even saw the Agreement it as a strengthening of rights (personal communication, June 21, 2007).

Therefore, as Moses suggested, the Cree leadership thought it advantageous to reach an agreement with the PQ prior to a provincial election since the PQ would arguably be more open to a policy of Cree consent to major developments than the

Liberals. One focus group participant had suggested political self-interest on the part of Quebec, claiming it was more than mere coincidence that the Quebec government had seemed so keen on reaching an agreement with the Cree just prior to a provincial election (focus group, Waswanipi). Chief John Kitchen (personal communication, Dec.1, 2006) echoed that thought, but unlike the focus group participant, saw it in a positive light. He stated that the PQ was intent on solving outstanding issues with First Nations in Quebec, particularly the Cree, and that this was a good opportunity to get a good offer.

### 3.2 Contextualizing Cree Responses to the *Paix des Braves*

For this thesis, Cree responses to the Agreement were analysed according to common themes that were not pre-determined but that evolved through the research process. Creswell (1998), whose approach I have adopted, underlined how the qualitative researcher works inductively, and therefore develops categories as part of the process.

He stated:

In a case study... the researcher details the description of the case and its settings or context before mentioning the more abstract themes. The investigator may “layer the analysis,” presenting numerous themes initially, followed by grouping these themes into broader and more abstract categories later.” (p.77)

In my own research, the following themes emerged gradually as the analysis progressed. These included: initial responses to the AIP, rationale for the AIP, the decision-making process, purpose and effectiveness of the consultation process, interpretations of community referenda results, harmony and dissent, the *Paix des Braves*’ impact on the Cree relationship with the Quebec government and industries, subjectivity or identity, status and rights, governance and land tenure, progress and quality of life, language, communication, and media.

These themes were elaborated upon within the analysis of sub-sections 3.2.1 – 3.2.9. There are strong links between each of these areas and, although each is given special consideration within separate sub-sections, they are all viewed as interconnected parts of Cree social practices.

Prior to analysing Cree responses to the *Paix des Braves*, it may be useful to situate these in relation to the experiences of other Aboriginal groups dealing with developmental incursions into their lands and ways of life. Every situation is, of course, unique but some comparisons may be of interest. A common aspect is the promotion of notions of progress and development within societies that have traditionally favoured holistic, spiritual, and communal approaches. Within a global market economy system, progress and development do not occur evenly but play out in a competitive, individualistic way. Promises of a better life through development may be realised for some but not for all. Although there may be a desire among many Aboriginal people to have the best of both worlds, choices and compromises are ultimately made. It is on this question of allowable change and compromise that agreement is hard to find. What differences should be maintained and protected, and what common interests between Aboriginal and mainstream societies are to be pursued and promoted? Stuart Hall (1991) pointed out that globalisation works through differences in a way that makes these differences seem as if they don't matter (pp.31-33). Appadurai (1993) made a similar argument in stating that the central feature of global culture today is "the politics of the mutual effort of sameness and difference to cannibalize one another..." (p.287). Some have maintained that finding this balance is an individual matter, but it is also a societal issue. For Aboriginals, dealing with governments and industries hell-bent on

*development* can be a matter of avoidance, resistance, control, sovereignty, autonomy, compromise, diplomacy, pragmatism, or compliance.

Although the concerns may be similar, the experiences can be quite different from one Aboriginal people to another. There are a number of unique aspects about the Cree with regard to their interactions with governments and business interests, such as the fact that a kind of business partnership developed in the fur trade between the Cree and HBC with limited government interference for several centuries. For over three centuries, from about 1600 to well into the 20<sup>th</sup> century, each side in that partnership looked after its own interests and neither could totally control nor manipulate the other. Francis & Morantz (1983) and Morantz (2002) have argued that the Cree were able to maintain their lifestyle and culture throughout this relationship, and that it was governments and religion that had the greater impact on their way of life. Outside influences have been able to be absorbed by the Cree for as long as the land could continue to be occupied as it always had, as areas in which they could practice their subsistence way of life. Also, a major difference between First Nations in Quebec and those in the rest of Canada concerning land issues is that in the era of New France no treaties were signed with the First Nations “because the French believed that their rights to the territory had been gained through ‘discovery and conquest.’ The French did nonetheless recognise some form of aboriginal title to the land and significantly, “it is a fact that the British conquerors of New France did recognize Indian title to the land” (Morantz, 1992, p.102). What they offered the native people they encountered was the “opportunity” to become ‘Francised,’ that is, both French and Catholic” (ibid). The Cree were less affected in this way than other Native groups, such as the Hurons and Abenakis, because of their geographical location and



because of the competing presence of English business interests, i.e. HBC, and the Anglican Church.

Disputes over land for the Cree have not been based on a mainstream concept of *ownership* but on a claim of rights to engage in traditional activities on their ancestral territories. Land is therefore viewed by the Cree as a “unit of management” over which each tallyman, or land boss, has stewardship. He does not own the land but, in a sense, the land owns him and he must nurture it. Until 1975, the Cree had never signed a treaty. This was unlike a good number of First Nations across Canada whose rights over their traditional lands had been eroded by treaties. Cree land had, however, gradually been appropriated by settlers and the Quebec government through forestry and mining activities. Then, when the Bourassa government in the early 1970’s threatened to change the face of the land through his proposed hydro-electric projects the Cree were forced to enter into an agreement with both levels of government.

The JBNQA of 1975 has been considered a modern-day treaty. It spelled out Cree rights over the land- which some have interpreted as recognition and others as limitation as will be seen in the analysis of Cree responses to the *Paix des Braves*. Category 1 lands have been circumscribed with great precision within the agreement and “have been allocated” to each of the Cree communities (JBNQA, section 1: Definitions, p.3). Other categories of land were deemed to be a shared responsibility and for shared use within the specifications of the agreement. The *Paix des Braves* Agreement of 2002 was mainly an implementation agreement that dealt with Quebec’s obligations under Section 28 of the JBNQA, “Economic and Social Development.” It also resolved a

number of outstanding court cases between the Cree and Quebec, and provided 3.5 billion dollars in compensation for the Cree over the 50-year period of the Agreement.

Kulchyski (2004, May) provided a good point of comparison between the Manitoba Cree and the northern Quebec Cree as to the significance of either being or not being party to a treaty. The Manitoba Cree signed Treaty Five in 1908, thereby agreeing to surrender their rights over traditional territories while maintaining certain hunting and fishing rights. In the 1990's they also signed the Manitoba Northern Flood Agreement, an agreement involving Manitoba Hydro, the governments of Manitoba and Canada, and five Cree Nations. Kulchyski maintained:

...it becomes clear that Cree in northern Manitoba would have been better off had they never signed a treaty. Had that been the case, as with the James Bay Cree, they would have been in a position to negotiate a land surrender modern treaty in the seventies rather than the NFA. Had that been the case Manitoba Hydro might today be forced to offer these communities deals that compare at least minimally to the "Peace of the Brave" agreement recently signed in Quebec. Those who signed treaties with the Crown more than a hundred years ago, experiencing the benevolence and generosity of the Crown, should, one would think, be materially and demonstrably in a better position than those who did not. The reverse is true and will remain true as long as the narrow and mean-spirited interpretation of Treaty Five prevails (p.5).

Not having ceded their rights over Eeyou Istchee by way of a treaty, the Cree of northern Quebec were arguably in a better position than First Nations that had signed a treaty to declare their rights as a nation. Also, as previously stated, the political climate in Quebec at the time of the *Paix des Braves* was favourable for such mutual recognition between Quebec and the Cree.

### 3.2.1 The Agreement in Principle

The AIP time frame as covered here includes the negotiating phase leading up to<sup>36</sup> the signing of the AIP in Quebec City on October 23, 2001 through to the signing of the Agreement proper which came to be known as the *Paix des Braves* Agreement on February 2, 2002. The consultation process and the separate community referenda, covered in the next two sections, are within this time frame but are analysed separately because of their importance to this research. From an overview of the collected research material pertaining to the AIP, the three following themes have emerged for consideration: initial responses to the AIP, the rationale for the AIP, and the decision-making process.

It is within a context of new organisational structure and operations following the JBNQA of 1975 that the *Paix des Braves* emerged. As previously mentioned, the *Paix des Braves* pertains in large part to Quebec's obligations under Section 28 of the JBNQA. On the question of the leadership's mandate to negotiate the Agreement, Moses replied: "The word in there is 'leader.' Are you a leader? If you are a leader, you lead." He added that a leader doesn't have to wait to be led or to be told where to go.<sup>37</sup> Chisasibi Chief Abraham Rupert had a very different perspective on the matter. He stated that one of the tactics used was control: "But now, to me, what we need to do is to empower the people, not control them. Not to use control, fear... to control people. As Chief or

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<sup>36</sup> Even the period of negotiations leading up to the AIP was a matter of dispute for an opponent of the Agreement. He was sceptical of the purported claim by the Cree leadership at the time that negotiations leading up to the AIP had gone on for about two years. The research participant claimed that a high level Quebec minister had stated privately that this was not the case but would not go on record on the matter. I was unable to confirm such a claim by the leadership, but Ted Moses told me that negotiations were carried out over about 4 months (personal communication, June 21, 2007).

<sup>37</sup> The matters of leadership, organisation, and decision-making are addressed in section 3.2.7.

leader, if you do not have the power of the people behind you, what do you have?" He also questioned Moses' contention that he had a mandate to negotiate the *Paix des Braves* with Quebec, arguing that the implications of the Agreement had never been made clear prior to the signing of the Agreement: "As you know, there are three communities that are against the Rupert Diversion<sup>38</sup>. And before we took that stand, we asked... I don't know how many times we asked the Council Board: 'Are we agreeing to the Rupert Diversion? And we were told: 'No, we are not. That's the environmental impact assessment.' Now we are being told: 'Sorry, you had already agreed to it. And the Rupert Diversion is the cornerstone of the *Paix des Braves*.' That's what they're saying now" (personal communication, April 24, 2007).

In 2001, there were discussions between Grand Chief Moses and Premier Landry on past obligations, according to Moses. He said he had told Landry that until past obligations were met the Cree had no intention of considering new hydro-electric development. That purportedly got the Premier to realise those issues needed to be addressed. According to Moses, Chevrette<sup>39</sup> had to be by-passed in the *Paix des Braves* negotiations or nothing would have happened. Landry and Jean St.Gelais, the Secretary General of the *conseil exécutif*, agreed that if things were to be resolved they would have to happen at the level of the Premier of Quebec and the Grand Chief of the Cree. The idea of negotiating everything as a package came from the Cree leadership according to

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<sup>38</sup> Chisasibi, Waskaganish, and Nemaska all held a community referendum following the signing of the *Paix des Braves*, on whether or not people supported the Rupert River diversion. Not surprisingly, since compensation was not factored into the referendum question, all three communities voted overwhelmingly against the diversion.

<sup>39</sup> According to Moses, Minister Guy Chevrette- who held several portfolios including that of Minister of Native Affairs when the AIP was negotiated- had a legislated mandate from the Quebec government that authorised only him to enter into negotiations and sign agreements with the Cree. Any agreement was subject to approval by his department. Agreements through the usual governmental channels did not seem likely at that time, however, because of past confrontations between Quebec and the Cree.

Ted Moses. Not everything could be resolved immediately so processes were put in place to arrive at a resolution on health, education, and past obligations of Hydro-Québec. That convinced Landry. When asked about the time span between when the agreement was first proposed to the Quebec government and when it was brought to the Council Board, Moses stated it was about four months.

The announcement of the AIP by the Cree leadership seemed to take most people by surprise. But was the agreement as spontaneous as it may have appeared? Court challenges to Quebec and to Canada had been costly for the Cree, and the *Paix des Braves* was a way of resolving these matters both for the Cree and Quebec. It provided a global solution to a number of issues that the Cree had been trying to work out with Quebec. Grand Chief Ted Moses and Premier Bernard Landry appointed two high-level representatives for each side whose discussions over a two-month period led to the formulation of the AIP. The representatives for the Cree were Abel Bosum, former Chief of Ouje-Bougoumou and Robert Mainville, lawyer for the GCCEI/CRA. The representatives for Quebec were Jean St. Gelais, Secretary General of the Government of Quebec and Daniel Bienvenue, Deputy Secretary General of the Quebec Ministry of the Executive Council.

Board council members had about one week, according to Ted Moses, to consider the AIP before approving it. He attributed the limited amount of time the Council Board had to deliberate on the matter to the fact that there were a lot of sensitive issues and something had to be brought to the people, “something that was solid, something that could not be eroded- chipped away while you’re doing your consultation, either by people in the government- the bureaucracy, or people within the opposition, or the media,

or your own people per se. Now can you imagine going to the people and there's no signed document, the doubt that would cast? And can you imagine after, trying to negotiate the details...?" He further explained his rationale for the leadership's secrecy: "One of the things in the negotiations was the principle of confidentiality... In many instances the government likes to operate that way because there can be lots of questions during Question Period and the media certainly would take advantage of that. You know, the media can influence the way things go. So, if you don't want to deal, then don't have confidentiality... I never negotiated out in the open, publicly" (personal communication, June 21, 2007).

This is apparently in sharp contrast to the consideration given to the signing of the JBNQA; leading up to that agreement a number of committees had been formed to consider different issues: e.g. flooding of trap lines, effects on wildlife (personal communication, confidential). Given the scope of the agreement and the determination of the Grand Chief to see it through, the pressure on Board Council members to consent must have been enormous. Robert Kitchen (personal communication, January 10, 2007), former Waswanipi Chief, stated that the AIP was brought to the table as a take-it-or-leave-it proposition while matters were being negotiated behind the scenes. He described the reaction of the Council Board members as tense, given the fast-paced process and deadlines imposed. But in the end, the Council Board agreed to endorse the AIP.

There was full consensus according to former Grand Chief Moses. He specified that both Matthew Mukash, Deputy Grand Chief at the time, and Waskaganish Chief Robert Weistche were at the Council Board meeting when the decision was made. There was no abstention. He said everyone agreed to mandate Grand Chief Moses to sign the

AIP. Moses said they both agreed it was a good deal but later changed their minds. According to Moses, the fact it was reported in the media that some among the Cree leadership were breaking rank and taking back their consent for the Agreement “didn’t fly well with Quebec.” He added: “In any kind of negotiations when that happens, there are *serious serious* repercussions” (personal communication, June 21, 2007).

Waskaganish Chief Robert Weistche presented a different view about there ever having been consensus on the Agreement. He stated that neither he nor then Deputy Grand Chief Mukash were on side. When it was suggested that former Grand Chief Moses’ interpretation of consensus was based on the fact no one had objected to the AIP when it was presented to the Council Board, Weistche replied there was a lot of pressure applied to convince Council Board members to support the AIP. He said Moses had presented it as “a good deal for the Cree Nation.” Weistche added: “It kind of got cloudy and murky. It wasn’t really clear. Of course, the question kept coming up about... ‘Well, if we agree to this deal, are we agreeing to the diversion of the Rupert?’ And he said, ‘No, we’re agreeing to the process of the environmental review of the project.’” (personal communication, June 26, 2007).

In response to a question about whether consensus was still possible in Cree decision-making, Ted Moses said: consensus was still possible on October 22, 2001 “because the Agreement in Principle was by consensus.” He added: “When consensus is not possible then democracy... the principle kicks in. And even when the majority decides in a diplomatic way, you still have people that oppose...” Moses also suggested that consensus can lead to inaction: “If you don’t want a decision then you insist on consensus....Like in the United Nations, they like to push for consensus. It’s good to

have consensus but then it makes it harder to get a decision. Maybe that's why in the UN things are so slow... (*laughs*)" (ibid).

The public signing of the AIP took place in Quebec City on October 23, 2001. (Gnarowski: 70-71).

As stated by Grand Chief Mukash (personal communication, March 26, 2007), the agreement relates to a number of unresolved issues between the Cree and Quebec dating back to the signing of the JBNQA in 1975. The Cree leadership under Ted Moses had stated it had a mandate to negotiate with Quebec in order to settle these outstanding issues, but some have argued this did not extend to agreeing on new development such as the Rupert River diversion. When asked whether there had been a resolution directing the leadership not to negotiate any new agreements without bringing it to the people, Moses answered: "Well if there was, then *la Paix des Braves* certainly respected that." He stated that an agreement-in-principle established the main points that were to be negotiated to arrive at a final agreement, and as for that final agreement the people did vote on it (personal communication, June 21, 2007).

Many Cree were at the very least surprised when they first heard about the AIP. Others had a stronger reaction, Solomon Awashish (personal communication, March 27, 2007) among them. In reply to a question about his initial reaction, he stated: "I was shocked." He explained that this reaction was based on an expectation of transparency on the part of the Grand Chief, an expectation he felt had not been met. Awashish added: "My first reaction was, was he always negotiating behind our backs without telling us. And is there anything else happening without our knowledge?" Others, like Flora Blacksmith (personal



communication, November 30, 2006), knew that negotiations had been taking place over the previous few years involving forestry issues but was not aware that such an all encompassing agreement as the *Paix des Braves* was in the works.

A number of Cree were critical of both the content of the Agreement and the process by which it was achieved, but the harshest criticism pertained to the decision-making process- particularly the perceived secrecy and haste relating to it. Even a significant number of people who voted in favour of the Agreement in their community referendum were critical of the process.

Ted Moses answered the *Nation's* question, "Why the secrecy?" as follows:

That was part of the rules. We didn't want news to get out before we even concluded whether or not there was anything solid. For me to go back to my people with just a verbal offer wasn't acceptable. This is a news-breaking story and we could see where people might give it their own twist before anything concrete came out of it. We were concerned with hardliners in the Government of Canada who believe the Crees shouldn't get anything more. We were concerned with the reaction of the public as well as the opposition in the National Assembly. We were concerned with the response of the Federal Government as the third party to the JBNQA. They aren't a part of this deal. Rather than leave the doors open to people scuttling it by whatever means we opted to make the talks secret. If you want to get your work done and concluded then you have to make sure that you have the opportunity to do so (*Nation*, vol.8, no.25, Nov.2, 2001, p.11).

Violet Pachanos, Chief of Chisasibi at the time of the AIP and present Deputy Chief, also mentioned that the leadership was concerned that the Agreement might be scuttled by media and others (personal communication, June 12, 2007). However, the matter of secrecy extended beyond the general Cree population. Even most of the GCCEI/CRA Council Board members, i.e. the elected community Chiefs and Band Representatives, were unaware that an agreement was being negotiated with the government of Quebec. James Bobbish (personal communication, March 23, 2007) considered it a total surprise since even the Deputy Grand Chief at the time, Matthew

Mukash, had not heard about it. Bobbish stated: “In normal circumstances I would think that you would have your closest working colleagues, especially people with formal titles who work with you... also, from what I recall, the Grand Chief at the time referred to a resolution that was passed at a general assembly that gave him the mandate to do this negotiation with Quebec.” Bobbish did not dismiss the former Grand Chief’s interpretation of this mandate but called it “a very strict interpretation.”

Waswanipi Chief John Kitchen (personal communication, December 1, 2006) commented that today’s Cree politicians now have a better understanding of what people want and “what can fly” in the Cree communities as a result of reactions to the Cree leadership’s behind-closed-doors negotiations leading up to the *Paix des Braves* Agreement. He nonetheless defended the need for discretion on the part of leaders, stating: “If things don’t go well and you start talking about it, you’re going to get attacked anyways.” Billy Diamond acknowledged that secrecy surrounding the negotiating process had angered some, particularly the youth, but while recognizing the need for private discussions commented it would have been advisable to inform the Cree population (*Nation*, vol. 8, no.25, Nov. 2, 2001, p.16). While some criticized their leadership for making arguably secretive decisions they considered against Cree best interests others, like Jackson Ottereyes from Waswanipi, were more sympathetic: “The leadership is doing the best they can. Everybody has their way of doing things. You cannot criticize the leadership.”

Former Grand Chief Billy Diamond (personal communication, April 12, 2007) was aware that Quebec had wanted to put hydro-electric projects on the agenda for some time and it did so by including it within a settlement of

outstanding obligations from the previous 20 or 25 years. What surprised him was the immediate inclusion of a consent clause:

Now, what I found astonishing and the hardest part for me to deal with was that even before the Agreement in Principle of October 2001, and at the time of the Agreement in Principle, the consent clause would be there and they were already asking for Cree consent. And it looked like to me that the people who agreed to the Agreement in Principle were also agreeing to the Cree consent and they had consented to the project. So in effect, by the time it got back to the Cree communities, even in the Agreement in Principle, it was a done deal. It was a *fait accompli*.

On the matter of the consent clause, Moses said that as part of the Agreement there was consent to EM1, and EM1A and the Rupert River Diversion. Consent, he stated, was something that had been sought for many years. Internationally, he stated, it is in the Declaration of the Rights of Indigenous Peoples: free and informed consent. When you look at all these complementary agreements, he said, "...the air of consent is there. But on paper Quebec... or Hydro-Quebec... could not accept that the Crees can't consent or that their consent must be obtained."

Opposition to Quebec had been costly for the Cree. Grand Chief Mukash indicated that nearly ten million dollars had been spent by the Cree in opposing various hydro-electric development projects in the Cree territory. It was nonetheless a concern for many people, including Mukash, that in spite of this enormous cost to oppose development another river would now be lost. Mukash stated:

I would have preferred to see... and many of us would have preferred to see... Quebec paying up what they owed the Cree Nation up to 2001... and then talk about future projects after that. Because first of all the proposed Rupert River diversion, EM1A, was not described in the James Bay and Northern Quebec Agreement so it was a whole new project that

merited perhaps a separate agreement. I guess that's why a lot of people opposed the Agreement.

When Ted Moses was asked about the argument some had made that it was unnecessary to give up the Rupert River since the *Paix des Braves* was simply the implementation of Quebec's obligations under the JBNQA, he answered: "Well for one thing, there was no 3.5 billion dollars over a fifty year period in Section 28." Other advantages he saw with the Agreement were participation "in a meaningful way" in hydro-electric development and contracts such as with Hydro-Quebec (personal communication, June 21, 2007).

Some supporters of the AIP considered the move away from confrontation and litigation to a more conciliatory approach with Quebec as an idea whose time had come. Philip Awashish (personal communication, March 27, 2007) described the Agreement as the result of a constant struggle between the Cree and the government to have the JBNQA implemented in letter, intent, and spirit. He stated that the Cree had initiated about 32 court proceedings arising from the government's failure to respect its obligations under the JBNQA. The Cree had spent "millions and millions of dollars" in defending their rights. These millions of dollars would otherwise have gone into the Cree communities. This expense would have been unnecessary, according to Awashish, if the governments and Hydro-Québec had respected their obligations under the JBNQA. The *Paix des Braves* to a large extent implemented Quebec's obligations to the Crees under the JBNQA. Awashish stated: "For me, the *Paix des Braves* symbolizes the way the JBNQA should have been implemented in the first place back in '75."

During the consultation tour of the Cree communities Robert Mainville, a lawyer for the GCCEI, echoed this sentiment that results were preferable to an ongoing fight. He reportedly cautioned the Cree that their outstanding court cases although strong, like all legal cases, are always a risk. The *Paix des Braves*, on the other hand, would provide “certainties that cannot be assumed in a court ruling.” (*Nation*, vol.8, no.26, Nov.16, 2001, p.9).

Within the terms of the Agreement and in the accompanying discourse from both the Cree and Quebec political leadership, there was much talk of partnership and harmonisation. The Agreement was to provide a global solution to a number of issues that the Cree had been trying to work out with Quebec. In order to arrive at an overall understanding, some of the finer points would have to be worked out later. The *Paix des Braves* was said to be “an evolving agreement.” Some of the smaller battles with Quebec would be abandoned by the Cree in order to allow for an overall agreement. James Bobbish (personal communication, March 23, 2007), viewed this in a positive light, saying that this indicated the JBNQA was a live document, not a static one. He stated: “Normally when you refer to other treaties from the past, it’s signed- that’s the deal. There’s (*sic*) no more openings for other types of discussion.”

Others, however, viewed it as a retreat on the defence of Cree interests. For example, a focus group participant (personal communication, April 25, 2007) made the following observation in this regard:

In the *Paix des Braves*, in the context of why our leaders are not defending us anymore, a lot of it has to do with how the *Paix des Braves*

was designed... going back to nation-to-nation<sup>40</sup> ... one nation is told: ‘You can’t take me to court anymore. Whatever effect, whatever pain I caused you in the last thirty years, you can’t take me to court based on those. You can no longer go across the world... to campaign against me. And at the same time you can’t say anything about how I’m changing the land regime in your territory with this new bill<sup>41</sup>.’ So many other things. Basically, what happened after the signing of the Agreement was, our leaders became prisoners of an agreement.

### 3.2.2 The Consultation Process

Information and opinions gathered with regard to the consultation process suggested two main thematic areas: the purpose of the consultation process and its effectiveness.

Some considered the consultation process as a means for the leadership to get feedback from the people, others saw it as a way for the leadership to provide information on the Agreement, and yet others saw it as an attempt by the leadership to convince the people to accept what had already been decided.

Ted Moses said that with a majority *no* vote there would have been no mandate to sign the Agreement. He stated that the purpose of the consultation tour was to get the people to understand exactly what the Agreement was about and to dispel any notions of what the Agreement was not about. “In situations like that people like to look at the worst case scenario.” He stated there were all kinds of things going on “without even an ounce of truth in it.” He also said there were some doubts, “not from a large group of people but from a small group making a lot of noise.” He said it was also to bring comfort to the

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<sup>40</sup> The mention of “nation-to-nation” here was in reference to previous discussion within the focus group of the notion of nation-to nation agreement as it relates to the *Paix des Braves*.

<sup>41</sup> The bill referred to here is Bill 40 which gives extensive powers to MBJ over territory for which it has joint jurisdiction with the Cree. There have been numerous anecdotal reports of a much more aggressive non-Native presence in Eeyou Istchee since the passage of this bill.

people and reassure them that certain things were not going to happen as rumoured, like the supposed relocation of Eastmain to Val d'Or (personal communication, June 21, 2007).

Grand Chief Moses sat down with the *Nation* for an interview pertaining to the AIP as reported in the November 2, 2001 edition. In that interview, the Grand Chief was asked about his interpretation of *Cree consent* for the Agreement and how it would be obtained. He stated: "We're spending time in the communities and there will be consultations for the conclusion of the agreement and even after the agreement" (*Nation*, vol.8, no.25, Nov.2, 2001, p.10). The Grand Chief also stated, in that interview, that the people would have an opportunity to say *yes* or *no* and that if they said *no* there would be no deal. In its November 30, 2001 edition, the *Nation* asked a number of Cree Chiefs about what form consent for the agreement would take in their respective communities. Some had not yet decided while others proposed a referendum. Ideas on the percentage of support required varied, e.g. fifty percent plus one, or sixty-five percent. John Paul Murdoch, Band Representative to the GCCEI/CRA Council Board for Waskaganish and Legal Advisor, proposed three possibilities: band council resolutions, referendum by community, or Special General Assembly. (*Nation*, vol.9, no.1, November 30, 2001, pp.5-9).

In his interview for this thesis Ted Moses stated when asked what would have constituted approval or disapproval of the Agreement through the community referenda: "Just a simple majority. 50%+1 vote... In any democratic decision, that's the principle" (personal communication, June 21, 2007).

The consultation process took place within a relatively short time span, between the signing of the AIP on October 23, 2001 and the signing of the *Paix des Braves* on February 7, 2002. The Grand Chief, accompanied by some of the Chiefs and legal and administrative team members and advisors, embarked on a community tour. The community consultations took place in the autumn of 2001 as follows:

- Waskaganish: October 23<sup>rd</sup>
- Ouje-Bougoumou: October 29<sup>th</sup>
- Mistissini: October 30<sup>th</sup>
- Waswanipi: October 31<sup>st</sup>
- Nemaska: November 1<sup>st</sup>
- Eastmain: November 2<sup>nd</sup>
- Wemindji: November 3<sup>rd</sup>
- Chisasibi: November 5<sup>th</sup>
- Whapmagoostui: November 6<sup>th</sup>

Some viewed the process as too rushed, with only a day or two to “review, digest and react to the information” (focus group, Waswanipi). Alfred Loon, Economic Development Officer for the CRA stated: “We have very strong cultural connections. Part of being Cree is that you learn about an issue, you study it, then you make an informed decision. So between the studying and an informed decision, sometimes it takes time. That’s part of being Cree” (personal communication, March 26, 2007). Chief John Kitchen, who expressed mostly supportive views on the *Paix des Braves*, suggested that there could perhaps have been two or three teams doing consultations simultaneously with joint meetings afterwards.



Former Grand Chief Billy Diamond also expressed concern about the limited time frame “for such a legal and complicated agreement,” and addressed the matter of discontentment among Cree youth about the process surrounding the agreement:

We asked questions in Waskaganish about who negotiated it and why now. I think that’s why you see the hostility from the young people. The youth feel very betrayed by the Cree leadership. The sense of betrayal is showing up in their anger...

The young people feel betrayed and excluded. That’s why the question of secrecy has come up.” (*Nation*, vol.8, no. 25, Nov. 2, 2001, p.16).

In an open letter of response to public criticism by Ashley Iserhoff, then CNYC Youth Chief, Grand Chief Moses defended the time frame:

You ask for more time to consider the AIP. From the signing of the agreement on October 23<sup>rd</sup> we have over two months to review and consider it and to elaborate the text of the final agreement. Consultations on the AIP and the final agreement will continue thereafter. I was involved in the negotiations of the JBNQA. There, the Cree negotiated an agreement of over 30 chapters in ten months. In light of past experience, I do not believe it is unreasonable to complete in two months these discussions with Quebec concerning in large part the implementation of one chapter of the JBNQA” (*Nation*, vol.8, no. 26, Nov.16, 2001, p.23).

As to whether or not the leadership had sought consensus, Billy Diamond (personal communication, April 12, 2006) stated:

I don’t think there was an attempt to get consensus. What I saw was... first of all there was a lack of information and a lack of understanding. There were few people who understood the Agreement. And people didn’t take the time to go through the Agreement or try to understand it. Everybody jumped on the negative, and once you jump on the negative you don’t see the positive.

An important distinction was made here by Billy Diamond between process and content. Some may have been critical of the process without being opposed to the terms of the Agreement itself.

When the matter of lack of consensus and opposition to the *Paix des Braves* was raised in a focus group, several contributing factors were suggested. One participant reasoned that as Cree people become more educated, they question more and are less likely to be of one mind. Technology, particularly as it relates to communication, was also viewed as having made it possible for people to broadly and quickly exchange information and ideas on the subject of the *Paix des Braves* (focus group, Waswanipi).

Even if there was no consensus, was the process fair? Could Cree individuals who had strong reservations about the AIP or who were unequivocally opposed to it expect fair and balanced consideration of their position from this consultation process? Opinions on this were mixed. Flora Blacksmith said that opponents of the Agreement were able to express their concerns on radio and could also submit their concerns on paper. But were they simply being allowed to vent their concerns or were their views capable of influencing the course of events? Was the tour a consultation process or a *selling job*?<sup>42</sup> Flora Blacksmith (personal communication, Nov. 30, 2006) thought the consultation process was not too informative and, even if one were to read the whole Agreement one might ask: ‘Are we really getting anything out of this?’ She thought the leadership’s goal was simply to get the Agreement passed.

When asked whether the main goal of the Cree leadership in carrying out the consultation tour was to “let the people decide” or “convince the people to accept the Agreement” 36% indicated the former and 46% the latter. Only 18% gave another reason or did not declare. There is a significant difference in responses to this question between Waswanipi and Chisasibi. A total of 53% of Waswanipi respondents answered “let the

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<sup>42</sup> One of the Chiefs was personally overheard saying: “We have to go sell the Agreement,” as he was about to go on a community tour.

people decide” while only 9% of Chisasibi respondents gave that answer. Waswanipi did vote in favour of the Agreement and Chisasibi did not. However, it is difficult to assess whether or to what extent this difference in perception about the intent of the leadership may have been in voting outcomes.

It is clear from the outset that the Cree leadership firmly endorsed the AIP, as expressed in an excerpt from the text: *I am addressing this message to each and every Cree person. A message from Ted Moses, published in the Nation: “I strongly support this Agreement-in-principle. The Cree leadership, through the Grand Council of the Crees, has fully endorsed it. The National Chief is also strongly supportive. Numerous aboriginal leaders have contacted me to offer their support for this truly historic Agreement-in-principle” (Nation, vol.8, no.25, Nov.2, 2001, p.17).* When asked if anything proposed through the consultation process could have changed the Agreement, he answered: “No. I think it helped us in working out the final agreement.” Some of the concerns that were addressed in this way had to do with the Rupert River; trying to restore the river to its original level where possible, determining where the weirs would be, the monitoring of the ice conditions at the estuary of the Rupert River, and ensuring the coastal area would not be drastically affected by the reduction in the flow of the river (personal communication, June 21, 2007).

Some may have had high expectations about the financial benefits that were to be derived from the Agreement as the Cree leadership toured the communities. Jackson Ottereyes (personal communication, Nov.30, 2006) gave a humorous account of the consultation meeting in Waswanipi: “I remember when they had a meeting here at the school. They were talking about all this money coming in so I figured it’s got to be good.

But the thing I can't figure out is... they were serving bologna sandwiches, you know. How come they were not serving steak... talking about billions of dollars?"

The consultation team in Nemaska on November 1, 2001 consisted of Ted Moses, Grand Chief; Abel Bosum, Head Negotiator for the Cree; Bill Namagoose, Executive Director of the GCCEI/CRA; legal counsel Robert Mainville and John Paul Murdoch; and Cree Chiefs Robert Weistche (Waskaganish), Sam Bosum (Ouje-Bougoumou), and George Wapachee (Nemaska). The *Nation* described the audience at the consultation meeting in Nemaska on Nov. 1, 2001 as being "consumed with apprehension" (*Nation*, vol. 8, no.26, Nov. 16, 2001, pp.5-9). The ideas expressed at that meeting were recurring concerns voiced throughout the consultation period. The *Nation* reported the biggest concern being expressed in Nemaska was with regard to the environment, particularly the projected loss of the Rupert River. Some of the concerns reported included: "the need to protect the rivers and the land," "the secrecy that shrouded the tabling of the Agreement-in-principle," and "whether they could trust the government to follow through on its promises." Some tried to propose alternative solutions to mining and forestry as sources of revenue for the Cree, such as eco-tourism. Ted Moses (personal communication, June 21, 2007) argued this was not a viable option because of the lack of infrastructure and resources for that purpose.

The Cree leadership purportedly attempted to exclude non-Cree interveners from the debate, as in the case of the non-Native teacher in Nemaska reported in the *Nation*. She was reportedly told by the Grand Chief "this was a Cree matter to be decided solely by the Cree." This apparently elicited an angry response from the crowd, prompting the Grand Chief to apologize "if his remarks had been taken as offensive" (*Nation*, vol. 8,

no.26, Nov. 16, 2001, pp.5-9). The GCCEI/CRA's own account of the consultation visit in Nemaska differed considerably from the *Nation's* report. It read:

In Nemaska there was a small but vocal opposition to the Agreement in Principle. In addition to environmental concerns, this group's opposition to the Agreement in Principle was also premised on the idea that the Rupert Division was approved by the AIP – which was not true. Second they were under the misapprehension that the Agreement in Principle extinguished rights that the Crees had fought so hard to get. After the opposing individuals had stated their concerns, many of the trappers who would be affected by the proposed Rupert Diversion and Eastmain Dam and other trappers expressed qualified support for the Agreement in Principle as it brought the promise of future employment for the youth. The support did however come with the request that every effort be taken so that the employment created would in fact go to Cree individuals, as in the past even Cree entities had had inadequate hiring practices.

Although it was a long and emotional community consultation, Grand Chief Ted Moses and the negotiating team left with renewed energy and resolve to negotiate a Final Agreement in the best interests of the Cree People (GCCEI/CRA ad, *Nation*, vol.9, no.1, Nov. 30, 2001, p.24).

In his interview for this thesis, Moses reiterated his dismissal of those who doubted the Agreement as “a small group making a lot of noise” (personal communication, June 21, 2007).

Some research respondents considered the process unfair because the young people who spoke up were dismissed on the basis that they might not be as dependent as others on the benefits of the Paix des Braves because of their good education. Pressure, including threats and exclusion, was allegedly exerted on opponents of the Agreement. Some even alleged that the leadership used the suspension of community funds as a pressure tactic. Whatever truth there may or may not be about some of the allegations made against the Cree leadership, it seems clear that some people felt undue pressure being exerted to support the Agreement.

The Cree leadership provided summaries of the main points of the AIP and appealed to the Cree population to trust them in doing what was in their best interest.

Information was transmitted or translated into Cree but how well it was understood depended on various factors such as comprehension of the English language and level of education. Chief John Kitchen (personal communication, December 1, 2006) stated that the “educated people” were well informed, having access to documents. He suggested they needed to explain their understanding of the AIP to other family members. He felt that the translation provided by John Paul Murdoch, Cree legal advisor, was well done both in terms of his use of Cree and with regard to his knowledge of the legal points of the AIP.

Many of the people who spoke at the public community consultation meetings on the AIP expressed strong attachment to the land. It seemed, at least on the basis of their interventions in the English language<sup>43</sup>, that many either did not really comprehend the implications of the agreement or simply could not articulate them. They wished, nonetheless, to express what it was they valued. The Cree leadership often expressed empathy for their concerns, assuring them that the agreement was the best they could offer them. Responses from Cree leaders and administrators to expressions of anti-AIP sentiments, however, often seemed defensive and at times antagonistic. Lack of approval was often interpreted as lack of understanding. Those who opposed were at times dismissed as marginal, provocative, and unrepresentative of the majority of the Cree as indicated by the words in the above quote: “small but vocal opposition.”

After some consideration, Deputy Grand Chief Matthew Mukash decided to oppose the AIP. When questioned by the *Nation* as to why he had not opposed it earlier

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<sup>43</sup> I was teaching for Sabtuan Adult Education (Cree School Board) in Mistissini in 2001-2002 and got to hear some of the consultation proceedings on the local CINI-FM radio station. The exchanges between the leadership and participants switched back and forth from Cree to English.

Mukash replied that he had asked himself questions about it but being unsure had decided to wait to speak out. Mukash's criticism of the secrecy of the negotiations was not directed at the Grand Chief but at the Quebec Premier: "What I do want to say is this... regarding the secrecy of the negotiations: if Premier Landry could not trust his own people not to mention the deal to the media, then what kind of a government is he running that they must hide a deal that would bring about economic benefits to the people who elected them? There is something wrong about this" (*Nation*, vol.9, No.1, Nov.30, 2001, p.11).

Mukash did question, however, whether the GCCEI/CRA Council Board would be exceeding the authority conferred upon it by the General Assembly in entering into a binding agreement with Quebec. Whether or not the AIP was binding, however, was a question he could not answer (*Nation*, vol.9, no.1, Nov. 30, 2001, p.10). Ted Moses seemed to indicate that the AIP was not binding in stating that if there had been a majority *no* vote there would have been no mandate to sign the *Paix des Braves* (personal communication, June 21, 2007). This is a contested point for, as previously mentioned, former Grand Chief Billy Diamond deemed it a *fait accompli* even at the AIP stage, because of the signing of the consent clause at the time of the signing.

Mukash stated how, by breaking an "oath of impartiality"<sup>44</sup> in speaking out against the AIP, he was deprived of official funding to make his case to the Cree population. The following is from the interview report:

(*Nation*)

When you made that announcement to the GCCEI/CRA Council/Board, the reaction from the Grand Chief/Chair was immediate and you were told that you could oppose all you want but not to expect to use or access the resources of the GCCEI/CRA, and that you stood alone. What happened?

<sup>44</sup>

"Oath of confidentiality" would have seemed more fitting.

(Matthew Mukash)

The point I wanted to make at that meeting was that, remembering the oath of impartiality, I felt that the process to promote the AIP was biased in that we were asking everyone to play along. I told the meeting that it was obvious that those who oppose felt they were put down or brushed aside. The reaction from the meeting confirmed my point. I am really sorry that this happened. As any human being would have done, I left the meeting. I was much later informed that the matter of our Nation's resources had been clarified at that meeting. (*Nation*, vol.9, no.1, Nov.30, 2001).

Questions arose as to whether opponents of the agreement in high profile positions were being unduly influenced, either through enticement or punishment. Some research participants alleged that criticism on the part of potentially influential critics or opponents was hushed by offering them important positions. Others were allegedly threatened or punished by being pressured out of their job. The situation surrounding the Chairman of CBHSSJB, forced to step down after publicly expressing his opposition to the Agreement, was highlighted by the *Nation*. Whether his departure was truly linked to his stance on the Agreement or whether it was due to other circumstances, under the heightened tensions over the *Paix des Braves* it raised suspicion. Grand Chief Mukash (personal communication, March 26, 2007) did not comment on specific cases but stated that shortly after the Agreement was ratified by the people there were changes in the membership of working groups. He stated it was a process put forward to remove people that had opposed the Agreement and replacing them with supporters of the Agreement. He added: "I think that's a fact."

A letter from Bertie Wapachee, Chairman of CBHSSJB, was published in the November 16, 2001 edition of the *Nation*. He wrote the letter on his own behalf and not as on behalf of his organization. In it, he expressed concern that the Agreement was dividing the Cree. He described that effect as "a quiet sickness that has crawled in the



middle of the night into the most sensitive elements of our nation's ecosystem" (*Nation*, vol. 8, no.26, Nov.16, 2001, p.13). He concluded the letter as follows: "We are a people that decide what feels right from deep inside and not [from] what we think is right. We will decide together not only for us, but for the future generations, the animals, the birds, the fish, the trees, the lakes and ponds, and the rivers that carry our story and the rapids that sing the songs of our people" (ibid).

This is in strong contrast to Grand Chief Moses arguing that reason should dominate over emotion: "As much as it is seen as an emotional issue, for me it was difficult, I have a trapline and this decision will affect my family. I thought about these issues and came to grips with myself. While I was out in the bush I convinced myself I now have to think with the wisdom that God, the Creator gave me, not with my heart. I shouldn't let the emotions at the time supercede (*sic*) the wisdom that I have in regards to the vision I have for the future." (*Nation*, vol.8, no. 25, Nov.2, 2001, p.13). The vision for the future described by Ted Moses was one of conflict avoidance with Quebec, one in which Cree resources should not be used to engage in a fight that may deprive the Cree "of the right to develop and benefit and improve the quality of life for the whole Cree Nation." (ibid) The notions of progress and quality of life are addressed further on.

Josie Jimiken, Deputy Chief of the Nemaska First Nation, formally declared his support for CNYC Youth Grand Chief Ashley Iserhoff and GCCEI/CRA Deputy Grand Chief Matthew Mukash on their opposition to the AIP. His strongly worded remarks were particularly critical of the influences that purportedly informed the Cree leadership's *logic and reasoning*:

The Grand Chief started promoting this A.I.P. by advising the Chief's (*sic*) and the members of the Cree Nation "to think with their heads and not with their hearts" and only recently made a passing remark regarding heartfelt concerns. The Grand Chief, guided and assisted by his legally and technically advised logic and reasoning and his narrow-minded myopic views of Cree Nation Economic Development, has started tearing out the sacred contents of the hearts of the members of the Cree Nation and is throwing them into the cold and desecrated waters of Eeyou Astchee<sup>45</sup> (*Nation*, vol.9, no.1, Nov.30, 2001: 15).

Jimiken raised two important issues in his criticism of "legally and technically advised logic and reasoning" that goes to the heart of the *Paix des Braves* debate. The first of these is the role and influence of those who master the *reasoning* to whom Jimiken alluded, namely lawyers, consultants, accountants, and bureaucrats. The second is the difference in value system referenced by those using the aforementioned reasoning, as compared to that of people referencing concerns about culture and the land.

What role does formal bureaucratic, technical or legalistic language play within Cree organizational structures and applications of power? To what extent does the mastery of said language confer power to those who are best able to understand and apply it? In his open letter to Grand Chief Moses, Chief Robert Weistche of the Waskaganish First Nation gave a good indication of how knowledge is power in Eeyou Istchee as it is elsewhere. He commented:

...you have ordered your staff and consultants who have studied the project in detail to remain silent, and refuse to talk to us or to provide us with any information.

It is difficult for us to understand why you seek to prevent the community from obtaining an in-depth understanding of the project and its implications. Hydro-Quebec and the government of Quebec sought your approval of these projects for a very long time, before they persuaded you to accept them. Before you agreed, you insisted on detailed information about the project, its economic and its environmental consequences, and sufficient resources to allow you to have that information analyzed by your own staff and your consultants (*Nation*, vol.9, no.2, Dec.14, 2001, p.21).

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<sup>45</sup> "Eeyou Astchee" alternate spelling of Eeyou Istchee, i.e. the land of the people.

When asked about the power and influence of lawyers as “experts on terminology,” Ted Moses stated that with enough experience the terminology no longer becomes intimidating. But, he stated, there is a type of work that can only be done by a lawyer. He said that lawyers do influence decision-making in the sense that they can point out that on the basis of certain decisions, certain rights might be jeopardized; or they might caution with regard to possible future implications. It can be a matter of the way something is written. He stated that as a matter of principle, a lawyer is loyal to his client. When asked if lawyers are involved in the decision-making, Moses replied: “Not as much, because we’ve evolved now.” He pointed out that it had been different in the early 1970’s because the law was something that was more feared by the Cree leadership. But with experience there was now a greater understanding of the law. And the greater principle of deciding now rests with the Cree. The lawyers help with decision-making in the sense that they advise on possible consequences of decisions or actions (personal communication, June 21, 2001).

What likelihood of consensus can there be between people using two different and sometimes opposing types of discourse; one based on bureaucracy or legalese, the other on notions of cultural identity and values? This brings to mind Lyotard’s concept of the *différend*. Lyotard (1988) stated: “A case of differend between two parties takes place when the ‘regulation’ of the conflict that opposes them is done in the idiom of one of the parties while the wrong suffered by the other is not signified in that idiom” (p.9). Former Grand Chief Moses may have felt confident in operating within such a system but the question remains as to what extent the *player* is transformed by *playing by the other’s rules*. And what about those whose idiom is based on non-mainstream concepts and

values? Is there a meeting point or middle ground for the expression of their respective areas of concern? Can ideas on economic viability be articulated in the same breath as reflections on the spirituality of a river? Are concepts, both Western and Cree, transferable from one language to another? As proposed in the theoretical framework, there are different *regimes of truth* produced within different social conditions. As social conditions change so do the ways in which reality is perceived and expressed. The conditions surrounding the discourse within Cree society on the *Paix des Braves* are such that both traditional notions and Western concepts inform the debate. Arguably, the situation could be rearticulated in a way that reflects this current Cree reality and avoids essentialist oppositional positioning. How traditional and Western ideas and values are to be inserted into this rearticulation will inevitably be contested ground, since ways of conceptualising are closely linked to ways of acting. It is perhaps worthwhile reiterating Grossberg's (1997) contention that people are always active and it is impossible to predict who will win the struggle between competing articulations (p.222).

The 'consultation tour' appears to have been the most important source of information on the *Paix des Braves* on the basis of questionnaire responses (see Appendix H). Considering its importance, it is interesting to observe how differently the purpose of that tour was perceived by Chisasibi respondents as compared to Waswanipi respondents. Only 9% of the former answered that the purpose of the tour was to "let the people decide" compared to 53% of the latter. On the question of whether people against the Agreement were given the same opportunity to communicate their ideas to the Cree leadership as those who were in favour of the Agreement, a significant 58% answered 'no,' 26% 'yes,' and 16% did not declare. These results were almost identical to those on

whether the Cree leadership had done a good job communicating with the people about the Agreement. These results were also in line with comments made during interviews that showed that even a good number of supporters of the Agreement were critical of the consultation process.

### 3.2.3 The Referenda

The main focus of analysis within this section is the various interpretations of community referenda results. Since it was left to each community to organise a referendum on the AIP, the question was worded differently for each. Ted Moses said that there had been consideration of a regional referendum but that each community wanted to have their own and establish their own date for that referendum. He added: “Depending on what side of the fence you were, you wanted to delay that. You wanted to have more time. But more time for what? More time doesn’t always give you more benefits.” He pointed to efforts to secure agreements by First Nations in other parts of Quebec over 20-25 years which had become “an industry for negotiators.” I then asked him, laughingly: “So does that mean lawyers are going to be making less money from hereon in?” He laughed: “Well I think, yeah... they should be making less money. Court is a last resort but you still need them, like for agreements- to draft agreements and keep it within the context of respecting all the principles that you’ve agreed with. But not at the level and the amount that we had before. Mind you, now it’s a different scene. The more the Crees get involved, the more they are exposed to different legalities.... So you need the lawyer to ensure that your rights and your interests are protected and that things are not inconsistent with what you agreed to...”(personal communication, June 21, 2007).

Irene Neeposh's (personal communication, March 4, 2007) following comment suggested there may have been a great deal of indecision among voters, at least those she observed in Waswanipi: "When I went to vote, walking through there, people were still trying to decide. And this affects us and our future generations. I really found that unfair to be put in such a situation, and I guess... the people were bought." When pressed on why they did not simply vote against the Agreement if they opposed it, she reiterated it was "because they were bought". She stated there were many social issues and that money is a way of life now. Things are not healthy in the communities, according to Neeposh, and change is needed. But the only change that was being suggested was to dam the Rupert River. No other option was being proposed. There are a lot of issues and the "money flashing thing that was going on with the consultations," in her terms, bought the people.

Fifty-six per cent of eligible Cree voters cast their ballot in the combined referenda, and sixty-eight per cent of these voted in favour of the Agreement (GCCEI website). Chisasibi was the only community that voted against it. That opposition, however, was not insignificant since Chisasibi is the most populous Cree community. Voter turnout in Chisasibi and Waswanipi was similar, 63% for the former and 61% for the latter. However, among the questionnaire respondents 73% of those from Chisasibi indicated they had voted in the referendum compared with 55% of those from Waswanipi. Analysis of questionnaire responses indicated that 59% of respondents voted in their community referendum, 38% did not vote, and 3% did not declare. Of the 36 respondents that indicated they did not vote, only 11 provided a reason and 10 of these indicated "personal reasons." In retrospect, that catch-all option should not have been

provided. Most respondents, 56%, did not indicate how they voted in their community referendum, but 26% stated they voted 'yes' and 18% indicated they voted 'no.' When asked whether they would vote 'yes' in a referendum on the Agreement now, 50% indicated 'no,' 29% 'yes,' and 21% did not declare.

What could explain the seemingly low turnout for such an important issue for the Cree? Some stated that they didn't vote because they simply didn't know what was contained in the Agreement. Many voting age students did not vote because there was no polling station nearby.

The Cree Nation Youth Council (CNYC) is an officially recognized entity that represents the interests of Cree youth between thirteen and twenty-nine. A number of these youths felt that their concerns were not being given proper consideration at the time of the consultation process. The CNYC Youth Grand Chief at that time was Ashley Iserhoff; he is presently the Deputy Grand Chief of the GCCEI/CRA. In an interview with the *Nation*, Iserhoff called for greater transparency in discussions pertaining to the agreement: "Two months is a very short time. A lot of our people are still out in the bush and can't come to the meetings that are taking place right now. Even the students down south – they're greatly affected by it. I've gotten a number of calls from students going to school in the south and they're very concerned." (*Nation*, vol..8, no.25 Nov.2, 2001, p.14).

Many members of the hunting society were in the bush and were not prepared to assume the cost of a return trip to their community to participate in the vote. Another important factor was also mentioned by a number of research participants, an unwillingness to participate in something they did not understand or of which they did

not approve. Paul Dixon (personal communication, January 11, 2006) stated that the trappers, the “grassroots people,” are passive and silent people. He added: “They walk away. They vote with their feet.” He also appeared to imply a degree of opportunism on the part of the Cree leadership, questioning why the referendum was done during a peak hunting time rather than in the summer; this would suggest an assumption that most trappers were against the Agreement. As to how he would respond to the leadership’s explanation that the opportunity had to be seized when it presented itself, he responded: “There was an opportunity for certain people. They took the opportunity. The trappers were left out. That’s what I’d say.” Others also made the point that trappers did not vote because it would have cost them four- or five-hundred dollars to come off their trap line (focus group, Waswanipi).

Not everyone assumed there was opposition to the Agreement on the part of the trappers. Violet Pachanos commented that elders are more accepting of change than others. She also suggested that they probably understand more than some may assume. Their experience of hardships has also made them appreciative of what makes life easier. One opponent of the Agreement seemed to concur with Pachanos on that point, but perceived a more sinister outcome to it. The Chisasibi focus group participant said that support for such agreements as the JBNQA and the *Paix des Braves* by those who had known the effects of famine and other hardships derived in part from their sense of not wanting to see younger generations suffer through such experiences. Nonetheless, he concluded, Cree youth were now experiencing another kind of hunger, a hunger for culture. He stated they have no sense of who they are or where they are going.



Some, such as Chief John Kitchen (personal communication, December 1, 2006), argued that the voter turnout for the *Paix des Braves* compared favourably with other Cree voting situations. In his estimation, the voting on the Agreement speaks for itself. Only Chisasibi cast a majority of votes against the Agreement and that by a slim margin. He stated that although voter turnout has usually been low, people are beginning to get more serious about voting now: “People are starting to realize that voting is very important.”

The Cree leadership’s political victory in obtaining a majority of *yes* votes in the community referenda no doubt did not appease many who opposed the Agreement. Nor did it silence them. Many felt they had not had enough time to make their case in order to influence the political process leading up to the referendum but still wanted to be heard.

#### 3.2.4 The Signing of the Paix des Braves on February 2, 2002

The main themes in this section are harmony and dissent. The *Paix des Braves* signing ceremony in Waskaganish on February 2, 2002 was conducted amid smiles, handshakes, and talk of a new relationship based on partnership and harmony. It was also an event marked by shouts of protest and anger, and police intervention and arrests. Which scenario presents the *true* face of the *Paix des Braves*? It depends on who is telling the story.

The event was filmed by Rezolution Pictures, resulting in the documentary entitled *One More River*. The film, released in 2004, presented a very critical account of the Cree leadership under Ted Moses and the process leading up to the signing of the

Agreement. A point-by-point critique of the film<sup>46</sup> appeared on the GCCEI/CRA web site, rebuking both its tone and allegations. The article claimed as its purpose “to give the reader at least some critical perspective on the film.” It was as critical of what the film purportedly implied as what was explicitly stated. For example, the film mentioned “great leaders” in reference to Matthew Cooncome, Billy Diamond and Matthew Mukash. Ted Moses was referred to as an “also ran”, a statement the article claimed implied he was not a great leader. The film stated that Moses was elected Grand Chief by standing up to Quebec, and then surprised everyone by entering into an agreement in principle that would result in the damming of the Rupert River. The GCCEI article contended that the Eastmain 1A/Rupert Division Project would be a much less encompassing project than the NBR project, shelved as a result of the agreement. It was also critical of the film for creating an alleged false impression that elders in Mistissini had difficulty understanding the Grand Chief, arguing that most of his presentation there had been in Cree. It also defended against charges of secretly negotiating the agreement, arguing that neither the Premier nor the Grand Chief had wanted to lose face if no deal could have been worked out.

Regarding *One More River*, Ted Moses said there was a lot of distortion of facts. “A lot of lies were being projected from that.” He said one should look at the purpose of the film, and that the objective was to get people to support the no-side, the opposition. He stated that APTN “pumped it, and pumped it, and pumped it.” He said that with a lot of naïve people it began to sink in, especially with young people that are not well informed. But for others who are informed, he claimed, “they get turned off by that.” One distortion, he stated, was that they were misleading the people. Another, he said, had

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<sup>46</sup> The critique appeared on the GCCEI/CRA web site as article #GCC221, *Not Just One More River*.

to do with inaccurate translation into English subtitles of what was actually being said in Cree. He stated: "For me, it was a real serious questioning of the wisdom of the Cree Nation. When 70% of the Cree Nation voted in favour, that was not reflected in there. Then they tried to purport that the majority of the Crees opposed the *Paix des Braves* and that I was going ahead and acting without respecting the majority." According to Ted Moses, the collectivity of the Cree Nation was making a decision in a democratic way. There was a lot of consultation and there was a minority opposed to the Agreement. The Chisasibi referendum results could have been questioned, according to Moses, but it seemed pointless. Following the referendum, then Grand Chief Moses telephoned Chisasibi Chief Abraham Rupert and asked him to rally to the Cree Nation majority decision to support the *Paix des Braves*. Close to 70% of those who cast their ballot voted in support of the Agreement; in some communities the yes vote accounted for over 80% of cast ballots. Moses told Rupert he would like to see Chisasibi have the same rights and benefits notwithstanding their position on the Agreement "(personal communication, June 21, 2007).

### 3.2.5 Implementing the Agreement

The *Paix des Braves* changed the Cree relationship with the Quebec government and industries, at least in principle, from one of opposition to one of harmony and partnership. But will this new approach benefit the Cree?

Whether or not certain Cree individuals agreed that signing the *Paix des Braves* was beneficial for the Cree, once it was done the focus had to change to its implementation. Ted Moses remained Grand Chief for a few years following the signing

of the *Paix des Braves* in February 2002. Then his former Deputy Grand Chief, Matthew Mukash, was elected Grand Chief in September 2005. Following the election of Matthew Mukash and Ashley Iserhoff as Grand Chief and Deputy Grand Chief, respectively, some may have expected a reversal of the Cree leadership's position on the Agreement. After all, both had been vocal critics of the Agreement when it was first proposed then signed under Grand Chief Ted Moses. But the deal was already signed. How could the Cree now get the most possible benefit from it?

Billy Diamond (personal communication, April 12, 2007) was asked what effects changes in leadership, not only for the Cree but for Quebec as well, might have on the *Paix des Braves*. He said that although it wouldn't have much effect on the purpose of the Agreement, there could be differences in the paths taken to achieve it or the speed at which change would take place. The main difference between the leadership of Ted Moses and that of Matthew Mukash with regard to the Agreement, he stated, was that Matthew has had to focus on its implementation. Diamond stated that Mukash was making great efforts to consult his peers, the Chiefs and Council members. He was trying to take a more transparent approach, being more visible in the communities through more meetings there. Presidents of entities like himself, Diamond added, all received instructions to continue holding meetings in the Cree communities.

An important issue that has emerged under Mukash's leadership is the matter of greater powers conferred to MBJ through Bill 40. This has apparently resulted in a much more visible presence of non-Cree within *Eeyou Istchee*. There have been rumblings about MBJ being pursued in court by the GCCEI/CRA on the basis of MBJ overstepping its authority on Category 2 and 3 lands. These areas were supposed to be a shared

responsibility according to the JBNQA. There was supposed to be a James Bay Regional Zone Council in which MBJ and the Cree would sit together as a council over these lands.

There may have been one or two meetings long ago but apparently it never got off the ground, according to Ted Moses. MBJ and the James Bay Development Corporation were things that were supposed to be discussed in the negotiations on the *Paix des Braves*. When asked if he thought the Cree could end up in court with MBJ, Ted Moses said he thought it was possible depending on how people played things out on the Cree side and the Quebec side. He said he thought that presently things were “too quiet on the Cree side” and that Quebec would like to talk more to the Cree. If there are more visible mainstream intrusions into *Eeyou Istchee* it may be, Ted Moses suggested, due to “MBJ and SDBJ trying to flex their muscles.” He added, seemingly as a reproach to the present leadership: “When you’re not talking to Quebec certain things happen. People think they can... As long as nobody says anything about it, let’s keep moving. It becomes a kind of *de facto* situation which is the danger of that.” Bill 40 does not, however, prevail over the *Paix des Braves* according to Moses (personal communication, Ted Moses, June 21, 2007).

The Agreement brought about changes in how the Cree interact with the Quebec government and with industries, like forestry companies. Robert Kitchen (personal communication, January 10, 2007) pointed out how matters are now channelled through the Liaison Committee which has a “direct line” with Quebec, and that Cree leaders had been advised not to waste their time negotiating with particular government departments. GCCEI representatives and lawyers representing the Cree are there to push files forward.

Chief John Kitchen (personal communication, December 1, 2006) stated that there is a lot at stake for the Cree with regard to the forestry industry. He said that a study conducted by the CRA concluded that forestry would be the most long-lasting and profitable industry for the Cree. He pointed out that there are spin-off advantages such as road construction, transportation, and tree planting. In his estimation, with good planning it could be beneficial to the Cree. John Kitchen said that in order for the Cree to take full advantage of the employment opportunities created through the *Paix des Braves* they need to get organized in terms of training and education.

As stated, in response to why the Cree had to give up the Rupert River if the *Paix des Braves* was essentially the implementation of Section 28 of the JBNQA, Ted Moses said there was no 3.5 billion dollars as part of the JBNQA. But not everyone has been impressed with the 3.5 billion dollars negotiated through the *Paix des Braves* Agreement. One research participant went so far as referring to it as “chump change.” His reasoning was that it compared poorly with the billions of dollars of natural resources situated on traditional Cree lands. He characterised the government’s approach toward the Cree as one of “divide and conquer” and sounded this warning to his people: “If we don’t have proper consensus, that’s what’s going to happen. Divide and conquer” (focus group, Waswanipi). There were also concerns expressed about how the money from the Agreement would be used. One contributor stated: “We need social development. There are lost souls in this community” (focus group, Waswanipi).

A Cree administrator stated that in trying to implement the Agreement there were a lot of problems pertaining to consultation. He stated that what he had been concerned about was now happening and, he added with a sense of regret, he did not know what to

tell the tallymen at times. The tallymen make requests that the government and forestry companies say they cannot approve. So-called *harmonisation measures* are purportedly intended to move development forward in a mutually beneficial way. These measures are supposed to make forestry activities compatible with the Cree hunting lifestyle. The administrator commented, "I don't think that is working well." He gave as an example a road network cutting through a trapline in a very sensitive area, an area that is supposed to be protected and involve the tallyman. The trapper does not want the road to pass too near the mountain because it will have an impact on his "very, very sensitive moose yard" and he asks the forestry company to plan the road elsewhere. The forestry company argues it is not feasible for them to move the road. Our storyteller asks: "So, how are you going to fix the problem? What solutions can you propose to the company or Quebec? In the *Paix des Braves* there is a provision that deals with land use conflicts but that does not provide an immediate solution to this problem. Most of the time there are no alternative solutions at the local level during the "consultation process" with trappers." He added:

"When it's 'no' for a special request from the forestry companies and Quebec, it stays 'no.' They don't propose alternative solutions. This is what I'm trying to get at right now. Nobody should say 'no' if you want to propose "harmonisation" measures. From both sides, the tallyman shouldn't say no to forestry planning and the companies shouldn't always say no to what the tallyman is asking. Compromise and try to find solutions to benefit both parties. Right now, I don't think that's happening. Everything the trapper asks for that's not forestry related is not considered a harmonisation measure" (personal communication, confidential).

The hope for the future of the Cree was expressed by some on the basis of today's youth and future generations. Education and training were thought to be both sources of hope and concern. When asked about his perception of changes in the way the Cree leadership has talked about issues over the years, Moses said that the issues are now more abundant and complex. He stated that the Cree are "able to wade through all of that" and that there is more participation. He attributed that to greater education, training, and experience (personal communication, June 21, 2007). Training in a number of areas was an outcome of the *Paix des Braves* through the establishment of Niskamoon Corporation of which Billy Diamond is the President and Violet Pachanos a board member. Niskamoon was an amalgamation of entities that resulted from a number of agreements with Hydro-Quebec. All of their boards were reorganised into one board. Each of these entities still has its own administration but under the one board (ibid).

Others also expressed hope on the basis of future generations but in spite of the *Paix des Braves*, not because of it. For example, one research participant questioned the notion that the *Paix des Braves* would pave the way for future generations: "No! There's going to be nothing there for our future generations. It's them who are going to pave the way for us because of their honesty and the way they are going to look at things... in our community... Our youth are already speaking out about what's happening in our communities" (focus group, Waswanipi). Another participant stated, in spite of his concerns about the Agreement, "I do have hope. Not having hope is probably the worst thing you could do for your children" (focus group, Chisasibi).



### 3.2.6 On Being Cree

Matters of subjectivity, or identity, status and rights remain important issues for many Cree. A number of research participants raised one or both of these issues in relation to their position on the *Paix des Braves*. Responses to the Agreement ranged from enthusiastic acceptance, to uneasy acceptance or rejection, to total rejection. Positions taken were rationalised on the basis of progress and development, pragmatism, or traditional lifestyle and values. Arguments drawing on any of these were not necessarily confined to one group or another, but were made in support of one or another position on the basis of such rationalisations. As with most situations of conflict, there were both examples of polarisation within Cree responses to the Agreement and attempts to find a middle ground, an acceptable compromise. And much of the debate revolved around questions of Cree identity, values, and interests, which inevitably led to situating these in relation to mainstream society.

In examining Cree interaction with the *white man* as presented in mainstream historical accounts, it was useful to consider how the kinds of issues raised by the *Paix des Braves* were dealt with in the past. This included defining and acting upon Cree interests in the face of encroaching mainstream society. Historically, this outside presence consisted of explorers, fur traders, missionaries, and government officials. Today it consists mainly of federal, provincial, and municipal governments which claim *ownership* or control over most of Eeyou Istchee, and of multinational commercial interests. Within the present context, the *Indian-White* dialectic is becoming an

increasingly anachronistic concept as the Cree become more and more exposed to people of African and Asian cultures or ancestries in addition to those of Caucasian descent.<sup>47</sup>

The concept of a *Cree community* as it is presently understood is a relatively recent occurrence. The term *community* suggests a permanent habitation, a notion not in keeping with the traditional nomadic lifestyle of the Cree. Traditionally, Cree settlements referred mainly to places where Cree families would gather for the summer months. During the winter months, families would go out to their trap lines. The women and children would remain at camp while the men set out to hunt and trap.

For some, residing and working in the Cree settlements became increasingly long-term as they took up employment with occasional forays onto their trap lines. When the JBNQA was signed in 1975, many Cree dwellings were either cabins or shacks. Chief John Kitchen, a man in his late 40s, recalled that as a child people “used to live in sheds.” He reflected on the numerous and rapid changes that had occurred since then. He commented that people now have houses and vehicles and that “technology is going very fast.”

Community life has become the new norm for most Cree rather than the nomadic hunting lifestyle. But this does not equate to a loss of culture or diminution of the importance of one’s connection to nature for a large number of Cree. Community life, however, has created new demands. Chief John Kitchen stated: “You have to find employment, first of all, for your people. You have to be creative” (personal communication, Dec.1, 2006).

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For example, in the interview with former Waswanipi Chief Robert Kitchen he spoke of the expected growing importance of Asian markets for the Cree.

Former Waswanipi Chief Robert Kitchen (personal communication, January 10, 2006) indicated that there were particular problems linked to the fact that a large part of his community's population lives outside the community. As more and more people leave their community for educational purposes or other reasons, it is likely that a growing number will decide not to return. It is difficult to assess the implications of a growing proportion of the population living off Cree territory, but this could become an increasingly important issue in the future. The JBNQA contains a clause, section 3.2.7, that excludes Cree people who have lived off territory for more than ten years from being eligible for any benefits under the agreement. One may wonder whether other such exclusions will be implemented in the future, perhaps by the Cree themselves, thereby creating divisions among the people.

The first written reference to the people of eastern James Bay as being Cree speakers was made in 1853 in the correspondence of the missionary E.A. Watkins:

No doubt this identification of the eastern James Bay people with the Cree language (a division of Algonquian) began with the missionaries at Rupert House and Fort George who used Cree prayer books translated at Moose Factory in western James Bay. Historically there is little evidence of strong intergroup ties between the east and west coast peoples. Stronger ties seem to have existed between those living on the coast and those inland... since both the Anglican Church and the federal government through their education policies fostered an association between the eastern James Bay people and the Cree to the west, the former people also came to be known as Cree. These same educational policies also aided in separating the James Bay Cree and the Montagnais, for the Cree have received their schooling in English and the Montagnais, in French (Francis & Morantz, 1983, pp.11-12).

Experience shapes Cree responses to present-day realities. As put forth in the theoretical framework, issues relating to what is often discussed in terms of *culture* and *identity* have been considered in English translations of Foucault in terms of *subjectification*, *subjection*, *subjectivation*, *subjugations* or *subjectivities*. Applying such

concepts has meant viewing what it means to be Cree not as predetermined or predetermining of certain characteristics but as defined and redefined through experience and choice. Although it has been argued in this thesis that there is no essentiality to culture, the importance of a cultural lifestyle which emerged from millennia of a primarily subsistence lifestyle is not to be underestimated. Although existing Cree values are neither inherent nor guaranteed to last over time, there continues to be a mind-set deeply rooted in a close relationship to the land.

Traditional spiritual views are closely linked to the hunting lifestyle. Francis & Morantz (1983) elaborated on this system of beliefs and practices that assumes both good and evil forces:

Not only human beings but all living things had a spiritual essence and each hunter had to learn to placate the spirits so they would allow the animal to be killed. Consequently hunting practices took on religious significance, as did other aspects of daily life. The religious and supernatural beliefs and practices of the eighteenth and nineteenth centuries mentioned in the archival records include the concept of windigo, the respect for beaver and caribou spirits, the shaking tent ceremony, conjuring to harm and conjuring to cure, prophecies, fear of strange sounds and occurrences, and feasting with ritual practices (p.15).

It is difficult to convey the traditional holistic Cree worldview in terms of Western academic practices that refer to “fields” of knowledge. Within such a worldview, it is difficult to differentiate between communication and spirituality, and between drumming and hunting. Luke McLeod (personal communication, Nov.27, 2006) made the following observation: “One elder told me drumming is not the same as prayer. To him the drum was a hunting tool. He used it to find game, and it was just as important as his snowshoes. This, I do not expect will be understood or accepted outside our culture.”

Shamans have traditionally been considered to have special powers, capable of communicating with the spirit world, healing the sick, and casting spells. These men also have traditionally held a position of power and influence among the Cree. Power, for the Cree, has traditionally been viewed as a *gift*; a concept more closely related to a Western notion of truth than of control (Feit, 1986, p.178). Those who were close to nature were believed to have a gift of presentiment or premonition. Richardson (1977) gave an example of this in his telling of the airplane accident experienced by Solomon Awashish on a pilot training flight in the mid 1970s. Awashish's uncle Sam preparing to bring the news to his brother Isaiah, Solomon's father, said: "I will have to fly into the bush to tell Isaiah... Of course, he will already know about the accident, but he will be worrying and I must relieve him of this worry." Richardson concluded the story as follows: "Solomon was still in the hospital when Sam flew into Isaiah's camp. The old man's first question was, 'How is Solomon?' He had sensed that an accident had occurred to his second son"(p.15).

In considering the matter of traditional Cree values one key notion kept recurring, that of *balance*. Balance is what has been sought in the main traditional activity, hunting, as it has been in life. Feit (1989) put it as follows:

The aims of both hunting and of life are, in part, to maintain a continuing sensitivity to and a balanced participation with the world, the men and animals reciprocally contribute to the survival of the other. The aim of life is the perpetuation of an ordered, meaningful and bountiful world. This aim includes those now alive and those yet to be born. The social universe thus extends beyond the human world, beyond the temporal frame of an individual human life. Such a life leads from an awareness of the mystery of everyday life to the mystery of death, through competence to participate in power. Hunting is not just a central activity of the Cree, nor simply a science or a formal ritual. Hunting is an ongoing experience of truth as power (p.180).

Within a traditional Cree worldview human beings are also balanced between animals and spirit beings. Within such a relationship, "...men, spirit beings, and other beings must sensitively interpret and respond to the communications and actions of the other beings around them" (Feit, 1989, p.178). Traditional Cree values linked to a subsistence lifestyle, perceived as *core values* in anthropological research, include sharing, cooperation, and a holistic worldview. This view of Cree culture is, of course, a generalisation but these values have nonetheless been historically observed and documented as important parts of Cree mythology, self-image, and purpose. Such a depiction may appear to some as a portrayal of an idealised past, but there are practical reasons why these values have traditionally been supported. In small hunting groups, sharing and non-confrontation were not merely admirable character traits but necessary for co-existence. Seeking consensus on matters of major social significance has been a means of maintaining harmony and balance within the group. In brief, in the traditional nomadic subsistence lifestyle of the Cree, maintaining such cooperative relations meant survival.

Some research participants expressed the importance they attached to the practice of traditional ways and the valuing of Cree myths and legends. One focus group member said he based his optimism for the future on the belief that people will come to understand who they are and what they want to see for their children, how people are connected to everything spiritually. Walking-out ceremonies went away in the 1960's and 1970's, he commented, but then came back. He said that now there are other ceremonies as well- like the birth ceremony, snowshoe walk, and puberty rights- that give children a foundation as to who they are. He added:

The problem of colonisation was that we knew who Jesus Christ was, we knew who Caesar was, we knew who Napoleon was, we knew the Greek gods, we knew Hercules, we knew who Thor was...Snow White!... but we don't know who *Miikuchiu* is, we don't know who *Chikabesh* is, *Nishuushkinuu*.<sup>48</sup> We don't know our heroes... and they play an important role in anybody's identity... Without those spiritual laws we're lost because we're not accountable.

Whether the position adopted by the Cree on various issues was acceptance or rejection, it was likely to be consensual. For example, a referendum on the JBNQA of 1975 resulted in almost unanimous approval. This seeming overall support is a reflection of a strong desire to take a unified position, not an expression of overwhelming enthusiasm for the agreement itself. In general, the people trusted their leaders to defend their best interests. The agreement was considered by and large the best that could be done under the existing circumstances. Although support for the *Paix des Braves* was *not* consensual, there was general consensus that some kind of balance was required between maintaining traditional practices and values and addressing economic concerns. Disagreement stemmed from opposing ideas on what that balance should be and how it should be achieved. The *Paix des Braves* issue may have brought the debate to a head, but an eventual clash of values within Cree society may have been forthcoming in any case as a result of gradual yet rapid change. Along with the increased intrusion of the market economy into Cree life, values associated with that system have also emerged. The values of Western industrialised society are well documented and need only be mentioned briefly here: individualism, competition, productivity, etc. As social conditions for the Cree have gradually changed, traditional values and attitudes have been increasingly challenged. Although traditional values based on the subsistence lifestyle

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<sup>48</sup> Miikuchiu is a Cree mythological warrior, Chikabesh is the mythical 'trickster,' and Nishuushkinuu refers to tracks showing two prints, i.e. two people following the same trail one behind the other.

still are part of the Cree self-image, mainstream notions and approaches have become more and more part of the everyday experience of most Crees.

The key arguments that were raised throughout the *Paix des Braves* debate revolved around what was in the best interest of Cree society and culture, what would best serve those interests, and what could and could not be compromised. Many who defended the Agreement purported to adopt a pragmatic approach to changing conditions of life, while many who opposed it claimed to defend cultural interests and values. Although both those in favour and those opposed to the *Paix des Braves* professed to defend the best interests of the Cree, their arguments differed with regard to what it was that best served those interests. Many who were strongly opposed to the Agreement referenced Cree tradition and culture and the need to protect the land. Some openly questioned how Grand Chief Moses could have opposed the government of Quebec in the past on the damming of rivers, and now accept the damming of the Rupert River. The Grand Chief argued for the need to compromise. He also stated that it had never been the intent of the Cree to continue fighting the government forever, but that it was a *matter of leverage*.<sup>49</sup> This statement by the Grand Chief might appear to give credence to the cynics, particularly those within the French-language Quebec media, who had argued at the time of Cree opposition to the Great Whale project that the Cree were only holding out for more money. But perhaps a more fair assessment would be that the Grand Chief's comments reflected a shift in perception in parts of Cree society as to what constituted the *best interest* of the Cree.

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<sup>49</sup> This statement was heard on a CINI Radio, Mistissini live broadcast of a consultation tour meeting on the AIP.



Some research participants articulated a desire to find a balance between the advantages and disadvantages of the Agreement. An example of this was the following statement by Jackson Ottereyes (personal communication, November 30, 2006) from Waswanipi: "I get different views from everybody but to me there's good and bad to everything. I tend to look on the good side of everything." Ottereyes' outlook seemed aligned with that of the unilingual hunter as described by Philip Awashish. He stated that the unilingual hunter has his own worldview and philosophy, and that was a 'come what may' attitude. Awashish added, echoing Ottereyes: "They only look for the good in something" (personal communication, March 27, 2007).

Similarly, Chief John Kitchen (personal communication, Dec.1, 2006) considered that there were both good and bad points to the *Paix des Braves*. His view was that both sides should be considered and attempts made to resolve existing problems. In considering mainstream intrusions into *Eeyou Istchee*, Jackson Ottereyes reasoned that there has to be compromise most of the time. One of the *good* things that came from development, in his estimation, was the establishment by the Cree of their own schools. Ottereyes, however, specified that there are limits as to how far compromise should go: "When you give up the land it's too much, you know. I wouldn't know how I'd react if they flooded my land. Just imagine the people up North. They lost their land now." For Ottereyes and numerous other Cree, what is most valued is what they already have but is increasingly threatened. Their hopes for the future are not based on notions of progress and development so much as on preserving the environment within which they live. Ottereyes expressed some hope in the possible future use of wind power. Here again he considered the good and the bad: "They say it's clean but some people say it's noisy."

Still looking mostly on the good side of things, Ottereyes expressed a wish to see more wind power so that “we won’t lose more fish or animals.” In wrapping up his interview Ottereyes stated he would like to see things stay as they are, “maybe wind power; no more flooding.”

When the question of whether cultural concerns could be reconciled with economic ones was broached during one of the focus groups, a participant expressed the opinion that such concerns are separate and could never meet. He gave the example of the notion of *sustainable development* in forestry, stating that attempting to translate such a concept into Cree results in “contradicting your own words,” adding: “There is no meaning to that. I think they’re always going to be separate. When you try to balance them, something always doesn’t seem right.” Chief John Kitchen (personal communication, Dec.1, 2006) also expressed the difficulty associated with trying to achieve this difficult balancing act: “Everybody wants the money but also the respect, and also the love that we used to have with our parents and also our brothers and sisters or our uncles.” He commented that the Cree have to bring back things that were taught to them. In his estimation, “it’s not there” but it’s slowly coming back. He considered, however, that leaders have to make efforts to show love and respect for the people.

Both supporters and opponents recognised that there was a need for some kind of response to mainstream efforts to exploit the natural resources of *Eeyou Istchee*. Consensus was lacking on what that response should be. A focus group participant described consensus in Cree society as being very fragile though not dead. The difference between the JBNQA and the *Paix des Braves*, as he saw it, was that the people were able to fight the former but the latter was brought in by the Cree leaders. The only

fighting taking place was among the Cree themselves (focus group, Waswanipi). As the divergence of reactions to the Agreement illustrates, deriving meaning from lived realities and articulating a social identity is not a seamless, uniform process for any social or cultural entity.

One respondent suggested that for the people who didn't vote, it was probably a question of ethics as to whether or not one has the right to vote for the land. He elaborated as follows: "I'm sure a lot of elders, that's what they thought. And personally, that's what I thought. So I voted but I *didn't* vote... I spoiled my ballot" (focus group, Waswanipi).

Matthew Mukash, Deputy Grand Chief when the AIP was announced, explained his opposition to the agreement in the following terms:

...I am not only concerned about this proposed new agreement but I am concerned about the overall question of our future as a people and our homeland.

What we are dealing with, today, is what our ancestors have been dealing with since Day One of the contact with foreigners – the spirit of "colonization" and the effect of "oppression" that comes with it. There is a plan by governments to eventually take full control and occupy Eeyou Istchee. This is a fact. Unfortunately, the James Bay and Northern Quebec Agreement (JBNQA) spills out the road map for this eventual takeover. We have to take a very serious look at this matter as a nation.

I feel that we are binding ourselves to a process that aims to restrict our freedom to exercise our sovereign authority as peoples over Eeyou Istchee (The *Nation*, vol.9, no.1, Nov.30, 2001, p.10).

Much of the discourse adopted within letters to the editor of the *Nation* opposing the Agreement was framed in terms of competing ideologies and value systems. Within such discourse the AIP was viewed as a threat to Cree identity, values, and purpose. These concerns were expressed by a number of AIP opponents, both in person and through media. One example is Annie Mouse-Cree's letter to the *Nation*. Her letter

expressed the sentiment that the AIP was disrespectful of the Cree people because the process by which it was reached trivialised traditional law or custom that the Cree have abided by for thousands of years, a custom that respects the Creator and all the forms of life He provides. The role of Cree leaders, her letter stated, is as follows: "...to be a channel whereby our voices and concerns may be heard by other nations and governments... part of a sacred trust relationship to act in a manner consistent with our beliefs, culture, traditions and identity" (*Nation*, vol.8, no.26, Nov.16, 2001, pp.13-15).

When former Grand Chief Matthew Coon Come weighed in on the debate he expressed the opinion that the time was right for such an agreement: "One of the greatest challenges for leaders is that they have to know when to fight and you have to know when to sign a deal. I think that Ted signed at the right time. Now it's up to the Cree people to give their decision on whether they will accept it or not" (*Nation*, vol.8, no.25, Nov.2, 2001, p.15). It is interesting to note the contrast in tone and content between what Mouse-Cree and former Grand Chief Coon Come expressed as being the Cree purpose or *fight*. Coon Come explained the purpose of the on-going Cree court battles with the federal and provincial governments as follows:

Our strategy was to use the legal system so the courts would recognize the unfulfilled obligations of the governments. We knew the courts wouldn't say this is how much you should get but that it would have to be negotiated. All the cases were to say you needed Cree consent and involvement. That was the message. We needed to convey the message that we want a share of the resources extracted from Cree land. That's the background (ibid).

In her letter, Mouse-Cree stated that Cree and European views on land or property and one's relationship to it were in opposition to one another. Therefore, she asserted, the agreement threatened the very nature of Cree being:

The actions of this process go beyond a mere deal, they seek to redefine our identity and to diminish our relationship to the land and everything associated with it. The leadership is not empowered with the ability to speak on our behalf when it comes to changing what it means to be Cree – this is a decision that we can only decide as a full Cree Nation (ibid, p.14).

She further contended: “The fact that this Agreement in Principle goes to the core of what makes us Cree and disrespects our traditional beliefs of the interconnectedness of life makes it a decision that can only rightly be placed upon the Cree people to decide” (ibid).

The question of whether or not the Cree have a custodial responsibility toward the land they inhabit was raised time and again throughout the debate over the *Paix des Braves*. Some Cree, particularly supporters of the Agreement, felt this was an unfair burden to put on the Cree people and that it had to be a shared responsibility with mainstream society. Others, particularly opponents of the Agreement, argued that stewardship over the land was an integral part of Cree identity.

Some Crees took issue with expressions of fear or doubt about matters of culture and identity stemming from the debate over the Agreement. An example is the letter to the *Nation* signed “A father of five future workers who will need jobs in Eeyou Astchee”:

I have heard nonstop talk about future generations and how they would lose their culture because of this. It sounds like we have no faith in our future generations!!! They will be smarter than us and much more educated, that you can be sure of. You see our forefathers signed the JBNQA in good faith, there were parts that were not respected, what did we do?

We fought the government and now they offer more to us. In the future, if things are not respected, the Crees will be even wiser and there will be more of us to fight if we have to!

For today I put my trust in my leaders and if I have to fight tomorrow I will... Because no matter what happens I will always be a CREE!!! No agreement will ever be so binding to take that away, NEVER!!! My children will not be stupid and helpless like so many seem to think. Show a little faith in them and encourage them in the right way” (*Nation*, vol. 9, no.2, Dec.14, 2001, p.13).

While much of the debate surrounding the *Paix des Braves* revolved around the impacts of decision-making on what it means to be Cree, some pointed out that it is not necessarily the leadership that determines this issue. One participant commented: “It’s a healthy family that binds the community together, not the Cree leaders. It’s the family itself” (focus group, Waswanipi).

Some who supported the Agreement did so by referencing social advantages as defined by an improved economy. An argument in favour of the Agreement was that the subsistence lifestyle was no longer a sustainable option for future generations of Cree, and it was therefore necessary for the Cree to become more immersed in the market economy. Contemporary Cree youth, it was argued, do not possess the bush skills necessary for the subsistence lifestyle, nor could the land provide for the increasing Cree population, especially in view of the depletion of resources resulting from forestry operations and other *developmental* incursions on the land. It was also argued that the Landry government’s offer was the best they were ever likely to get, and that they should not miss out on the opportunity presented to them by way of this Agreement. Even some who did not whole-heartedly endorse the *Paix des Braves* feared that this may be true, and somewhat reluctantly supported Cree acceptance of the Quebec government’s offer on that basis.

Paul Dixon from Waswanipi, a man of about 50 years, attended residential school in his youth but then returned to the subsistence lifestyle and identifies himself as a member of the hunting society. When asked to respond to such arguments that even if all Cree people wanted to live off the land there wouldn’t be enough land to sustain them, he responded: “Does anybody have the right to ask me that?... especially when they’re

plundering the earth?” (personal communication, January 11, 2007). Dixon argued that it was a human issue to defend the planet, something *beyond* his culture. The concerns expressed by Dixon do indeed go beyond those of Cree society. They have much in common with sentiments expressed by environmentalists throughout the world. His manner of framing the debate in global terms brings to mind Appadurai’s (1996) concept of “community of sentiment,” which he defines as “a group that begins to imagine and feel things together” (p.8).

The formation of communities of sentiment within Cree society has been a growing phenomenon within the past few decades, as evidenced by the strengthening of ties with other Aboriginal societies throughout the world, growing identification by some Crees with traditionalist customs and beliefs stemming from other North American First Nations, and growing identification by some with non-Cree or non-Native people who share their fundamental Christian faith. Arguably, one might add communities of sentiment based on similar notions of progress and development, and those based on shared technological interests such as Internet chatting and interactive computer games. Some of these affiliations have been controversial and to some extent divisive. For example, fundamental Christian beliefs as exemplified by the Pentecostal faith have grown in influence in the Cree communities over the years. Although Crees of that faith generally co-habit with Crees who hold other beliefs peacefully, there are times when differences in religious beliefs become political. JBCCS Executive Director Luke McLeod was critical of how religion crossed over into politics during the consultation tour meetings on the AIP in Mistissini:

I made some comments about the way the meeting went and was taken off the air because of what I said. People get the wrong impression when you’re just

trying to be truthful. I didn't like that religion got mixed into the consultation tour meetings and understand now when they say religion and politics shouldn't mix. I had the impression something may have been said at the churches to get people's support. The church leaders were there to support the leadership and questioned those who would challenge this agreement or the leaders, for in their minds they had been chosen by God. This definitely influenced the discussion and decision in Mistissini. I didn't like the fact that religious innuendos were not being challenged. The Grand Chief or the local Chief should have made it clear consultations are open to everyone, as it is their right to make decisions. Some condemned those who held traditionalist views at these meetings, which even got carried into the next regional elections" (personal communication, Luke McLeod, November 27, 2006).

When asked to comment on the role of religion in politics Ted Moses stated that, regarding the use of prayer or religious references at political gatherings, it was a matter of respect to allow people to express themselves in that way. He responded to the suggestion that religion may have been used as a means of intimidation as possibly relating to certain individuals. He stated no one was denied the right to speak, regardless whether they supported development and the *Paix des Braves* or were opposed to it. He mentioned the use of the drum and chanting in Chisasibi, qualifying it as "in my opinion not *totally* Cree... not from this part anyway, but probably elsewhere." Nonetheless, he said, people have the freedom of expression and freedom of religious beliefs (personal communication, June 21, 2007).

To better understand the role of religion within the Cree social context it is worthwhile to review its genealogy. Missionaries settled into Cree territory in the mid-nineteenth century. First, the Catholics made contact with the inlanders and later, the Anglicans arrived in the coastal area. Father Albanel had visited twice in the 1670s, followed by several of his fellow Jesuits. Although they had some influence among the inlanders, they did not set up permanent residence and did not minister to the Cree on a permanent basis until the next century (Francis & Morantz, 1983, pp.160-161).



The inlanders of Waswanipi had initially adopted the Roman Catholic faith but would later convert to that of the Anglican Church. Following is Scanlon's (1975) explanation of Waswanipi's conversion from Catholic to Anglican: "The people of Waswanipi were at first Roman Catholic more by accident of geography and necessity than by choice. However, their family, economic and religious ties were really with James Bay and... they were not long in changing churches when the opportunity arose" (p.47). Granted, this is not an unbiased statement but that of an Anglican clergyman. Scanlon elaborated on this conversion by quoting from entries in a "vestry book" kept by Reverend Cartlidge. One of these stated:

In 1907 a petition was presented... signed by 22 heads of families, in which they renounced the Roman Communion and sought admission into the purer sphere of the Church Catholic.<sup>50</sup>

...In 1912, the work consisted of preparing the people for confirmation. The following year, forty-one persons received the Apostolic rite and made their first communion. The ire of the Roman Catholic priest was raised by the visits of our bishop and the R.C. Indians were warned of evil that befall them for resorting to 'heretical teachers.' That summer, 1913, after the departure of the bishop and priest, a cyclone struck and completely overturned the R.C. church. This incident made a great impression upon the Indians, specially when all the other buildings escaped unharmed (ibid, p.47).

Francis & Morantz (1983) provided the following account of the arrival of Anglican missionaries on the coast:

It was 1840 before a missionary was posted to James Bay, but spelling books were sent out in 1794 'for the purpose of teaching the Children at your Factory to read' and in 1808 James Clouston was posted to Eastmain House as a schoolmaster, the first on the east coast... The school was intended for mixed blood children of servants, but if 'the Chiefs of the Trading Tribes' wished to enrol any of their children, the schoolmaster was instructed to receive them as 'a means of cultivating the Friendship & Goodwill of the Parents and Children'... When missionaries arrived later in the century, they assumed the responsibility of educating the mixed blood and Indian children" (p.153).

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The Anglican Church.

In 1855, Anglican missionary E.A. Watkins established “a small cottage which doubled as a church and a school” at Fort George. The Cree were unenthusiastic about his mission and Watkins himself observed that they “feel no interest whatever in the sacred truths which it is my duty to proclaim” (ibid, p.162). By the summer of 1856, Watkins had been removed from Fort George and relocated to Red River (ibid).

John Horden, Watkin’s fellow missionary, was more successful. Stationed at Moose in 1851, he imported a printing press to produce religious writings in the syllabic script developed earlier in the century by Methodist missionary James Evans (ibid, pp.161-163). The following account describes how the Anglican religion was established in James Bay:

In 1854, a schoolhouse was built and before long Horden was training a native clergy. At Rupert House, postmaster Joseph Gladman’s daughters were enlisted to teach syllabics to the Indians, and in the 1860s a church was constructed, partly financed by Indian donations. Thanks to Horden’s activities, the Anglican religion was firmly established in James Bay, and when the diocese of Moosonee was created in 1872, he was made first bishop (Francis & Morantz, 1983, p.163).

Francis & Morantz (1983) affirmed it is impossible to ascertain to what extent traditional beliefs were affected by Christian beliefs. However, they leave no doubt as to the negative view taken by missionaries of traditional beliefs. They also indicate that though there was resistance among the Cree to abandoning traditional spiritual practices, Christianity made rapid inroads into Cree life (164-165). Many Cree appear to have found a balance between the two competing sets of beliefs, resulting in what Francis & Morantz termed “an amalgam of Christian and native concepts” (p.165). That balance of religious practices was maintained in harmony with traditional seasonal practices. In

winter, the traditional customs were maintained in the bush while European-based religious practices were followed during summer.

Francis & Morantz (1983) contended that the missionaries viewed Cree traditional values and practices much more negatively than HBC, as they “attacked native belief systems as evil and superstitious and undermined Indian self-respect and cultural pride” (p.166). The success of the Anglican Church in converting the Cree did not end the quest for Cree souls. The Pentecostal Church began making great inroads in the latter half of the 20<sup>th</sup> century and continues to be a formidable influence among the Cree.

Some Cree, therefore, articulated their responses to the *Paix des Braves* in a way that reflected this context of mixed spiritual influences. Some also deferred to religious or traditional values while nonetheless arguing for a need to compromise on the basis of economic necessity. An interesting example of the use of culturally supportive discourse in defense of economic interests is the following extract from a letter by Bill Namagoose, Executive Director of the GCCEI/CRA:

Waskaganish is my home. The river is in front of the community, and we used to swim there when I was young. I set my first net there. We all leave in our boats from the river’s mouth when we go out into the Bay. In the fall we go to Notimeshanan [a traditional fishing site] ...

Our history is wrapped in the river. At the beginning of the last century, a crew of Waskaganish men took goods inland, and on a short trip back to the community their canoe overturned. Five of them died. This was a great tragedy for our people...

The river is part of us, **ingrained in our souls** – it has hurt us, it has fed us, and we live beside it. We need to allow future generations opportunities to prosper from **rational development of the natural resources** in Eeyou Istchee. The alternative is to watch as more resources are taken from us to benefit others. Yes our river will not be the same, but **the benefits can finally come to our people**,<sup>51</sup> (Gnarowski, p.74).

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My emphasis.

This is a remarkable juxtaposition of tone and message. Except for the last three sentences the text could easily have been assumed to have been written by someone opposing the *Paix des Braves* on the basis of concern for the land. Reminiscing about the river and declaring it to be *ingrained in our souls* hardly prepares one for the final message, a plea for its *rational development* so that the Cree can *finally benefit* from it.

There were other, less striking, examples of attempts to reconcile concerns about culture and the land with economic needs. Grand Chief Moses often tried to articulate a need for a practical approach that took into account economic advancement in addition to protection of traditional ways. Following is an example:

Our people have always been practical and used the land to make a living for their families. Moreover, we have always occupied the whole of Eeyou Istchee. It is only in the past few years that our people are living in communities year-round. While we still hunt over the whole of Eeyou Istchee, we have not been able to fully share in the employment created by mining, forestry, hydroelectricity, tourism and construction. This we must change! We must continue to protect and enhance our traditional way of life. However, we must also enhance all our opportunities throughout the territory and obtain a fair share of all of the occupations made possible by development on our lands. This too is part of our birthright! (*Nation*, vol.8, no.25, Nov.2, 2001, p.18).

While much of the debate surrounding the *Paix des Braves* revolved around what it means to be Cree, some pointed out that it is not necessarily the leadership that determines that issue. One participant commented: “It’s a healthy family that binds the community together, not the Cree leaders. It’s the family itself” (focus group, Waswanipi). The influence of family and friends on forming opinions on matters such as the *Paix des Braves* was indicated by the questionnaire results. In response to a question about what most influenced their decision to support or not support the Agreement, family and friends was selected ahead of all media and second only to the consultation tour. Interpersonal relations can be a strong influence, as Katz (1956) contended in his

*two-step flow* model of communication, and can diminish the influence of media (pp.346-361). Katz (1956) stressed the importance of opinion leaders as the link between the two steps. However, within the Cree context, influential opinion leaders can vary from family to family. In a society with a strong tradition of conflict avoidance, consensus building, and prioritising of communal interests, decision-making tends to be less individualistic than in mainstream North American society on the whole and certain individuals influence opinion forming more than others. These influential people may be leaders, elders or other respected community members.

The matter of gender was raised in focus group discussions and through interviews, particularly with regard to leadership and decision-making. Historical information on Cree women is much scarcer than that on men. There is some historical documentation concerning Cree women in past centuries, including accounts of some of them marrying HBC employees. This occurred in spite of HBC policy against “fraternising” with the Indian population. The general view of Cree women by HBC initially was very negative: “...Indian women were suspected of being thieves and spies, potential fifth columns who might open the fort to an attack by their jealous menfolk” (Francis & Morantz, 1983, p.91). The company’s attitude appears to have changed somewhat over the years as some coastal Cree women were eventually employed at the post by the 19<sup>th</sup> century “to trap game, fish, and gather berries” (ibid, p.152).

One young woman interviewed for this thesis pointed to her success as a career woman as proof that gender was not an issue in contemporary Cree leadership and administration. Other women saw things differently. Some

women, in addition to some men, made reference to “the old boys’ club” to designate the existing Cree leadership. The existing power elite seemed to be viewed as limiting by all who made reference to the “old boys’ club”, but especially so for women. One thirty-something woman, a self-declared activist, declared: “It’s hard being a woman, especially when you want to talk to your politicians and you’re just a grassroots person” (focus group, Waswanipi).

Gender roles in Cree society have traditionally been clearly defined and differentiated. A focus group participant described the primary role of a Cree man as provider and that of woman as caregiver. The way leadership has traditionally been conceptualised in Cree society is in terms of “who will bring what” and that has been a man’s function. Traditional attitudes pertaining to gender were thought to continue to be influential in how women are perceived with regard to leadership. It was suggested that attitudes and behaviours in this regard would change over time but that it was presently still difficult for women to be in a leadership position. Young people would have to be educated to overcome gender biases (focus group, Waswanipi).

One interesting observation was that while there are presently good opportunities for male leaders to “bring something back” to their community, no doubt in reference to the economic advantages of the *Paix des Braves*, things might be different if the Cree were poor: “Who would have the strength? I’m sure we’d have a lot of women in leadership” (focus group, Waswanipi).

In order to exert their influence, women have often been obliged to channel it through men. The son of a former chief gave the example of his

mother who would advise her husband on what to do in certain situations. The Chief would then act upon this advice. It was felt that although women did exercise power in this way, they did not openly get credit for it within Cree society. One possible means of empowering women, it was proposed, was through the Native Women's Association. It was surmised that eventually there would be a woman Grand Chief (focus group, Waswanipi).

The bias toward men in situations where couples break up was also mentioned, a situation described as unfair by a female focus group participant: "Why do the men get the house? Why do the women and children end up on the street? Why do the children end up in foster homes... when they *have* a home? And the man is living alone in the house..." (focus group, Waswanipi). She said that politicians, most of whom are male, have failed to rectify this gender bias.

In analysing what it means to be Cree in contemporary society, more attention to gender differences would provide a more complete picture. It is hoped that someone will take up that challenge in future research on the Cree of *Eeyou Istchee*.

### 3.2.7 Leadership, Organisation, and Decision-Making

The subjects of leadership and decision-making were broached in part through interviews, many of these with individuals who are or were in political or administrative leadership positions. These positions include those of Grand Chief, Chief, Band Councillor, President, Executive Director, and Manager of a Cree organization or enterprise. These matters were also discussed with other Cree people, including focus

groups participants. Responses to questionnaires also provided insight into Cree viewpoints on these issues.

For some, the JBNQA is an important form of recognition from the governments of Canada and Quebec. Grand Chief Matthew Mukash (personal communication, March 26, 2007) stated that the JBNQA was an important agreement since the fact that Canada and Quebec entered into a treaty with the Cree Nation gave recognition to the Cree as a distinct society with a distinct language, culture and way of life. Cree recognition was also important for Philip Awashish, one of the Cree leaders in the 1970's, as previously discussed. It was in defence of Cree rights to the land that Philip Awashish and other mostly young Cree leaders, like Billy Diamond, came together in the early 1970s to challenge the Quebec government's hydroelectric development plans for James Bay. In his book, *Strangers Devour the Land*, Boyce Richardson (1977) provided an account of the circumstances and events surrounding that situation. He related the involvement of Philip Awashish: "To him fell the task of trying to negotiate with outsiders (who really did not begin to understand the values of his people) conditions for hunting, trapping and fishing in the future which would permit the ancient culture to survive. It was a grave responsibility for so young a man" (p.15). Richardson describes Awashish's task of "more than twelve months of countless meetings with countless bureaucrats" as one done out of necessity and respect for the traditional culture (ibid). As unpleasant or difficult as "the countless meetings with countless bureaucrats" may have been for the young Cree leadership, they were likely considered a necessity if Cree interests were to be given any consideration whatsoever by the governments of Quebec and of Canada.



Philip Awashish (personal communication, March 27, 2007) explained the philosophy behind the JBNQA as that of a unifying vision for the Cree, a vision to create a better world for Cree society than it had known prior to the agreement. He stated: “To describe what it was like before the JBNQA would entail a book in itself.” The pre-JBNQA Cree society he described was one of non-recognition of the Cree people, especially by Quebec which wanted to leave it as a responsibility of the federal government. The Cree were “being persecuted” for simply hunting, fishing and trapping. They were under the control and domination of Indian Affairs, living under colonial governance. The vision of the Cree leaders was to improve their circumstances, to exercise their inherent right to govern themselves fully and **have their rights recognised**<sup>52</sup> and protected. The JBNQA was a means of achieving this vision. In Awashish’s estimation the JBNQA has largely achieved that since the Cree themselves are the important players, the ones implementing the JBNQA. That mainstream recognition of Cree rights to the land was perceived as an important achievement for Awashish and certain others, which brings to mind Charles Taylor’s (1995) concept of *politics of recognition* that addresses the issue of how identity can be perceived as being partly shaped by recognition or its absence. People can feel that they are being harmed or oppressed by a negative and distorted image of them within a surrounding society (p.225). Some objected, however, to attaching too much importance to mainstream recognition, especially with regard to rights. One focus group participant stated that one cannot keep asking others for their rights; one needs to implement them by occupying the territory (Chisasibi focus group). This viewpoint is in keeping with the concept of custodial responsibility toward the land. This matter became an important issue in the

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<sup>52</sup> This is my emphasis.

debate over the *Paix des Braves* Agreement. There are several historical perspectives on the question of Cree land tenure, including one that would attribute the development of family hunting territories to an early 19<sup>th</sup> century HBC policy aimed at confining the Cree to distinct family “owned” hunting grounds. Francis & Morantz (1983), however, argued that a land tenure system was already in place as far back as early 18<sup>th</sup> century (pp.126-127).

Although the Cree had been engaging in the fur trade by means of various canoe routes from James Bay to the St. Lawrence for a number of years without major disruptions to their way of life, the establishment of trading settlements in Eeyou Istchee in the mid-seventeenth century would have more profound and lasting impacts. Not the least among these was claimed ownership of the land by England. Rupert House (now known as Waskaganish) and the Rupert River were named for the king’s cousin, Prince Rupert, who would also become the first governor of the Hudson’s Bay Company (Francis & Morantz, 1983, pp.16-22).

In May 1670, the English king granted the Hudson’s Bay Company exclusive trading rights in what amounted to approximately three million square miles of land. Whatever agreements were reached between HBC and the Cree were likely interpreted differently by the two parties. Francis & Morantz (1983) considered that the Cree would likely have interpreted them as “expressions of mutual goodwill and as political and military alliances,” whereas HBC would have chosen to interpret them as “business agreements by which the Indians surrendered their ownership of the land.” (23) Francis & Morantz (1983) downplay the significance of these agreements, however, since there

was no such concept of ownership for the Cree and HBC itself refused to recognize similar claims made by France in the following century.

The kind of relationship that was established between the Cree and the English fur traders appears to have been one of mistrust on the part of the English and of accommodation on the part of the Cree (Francis & Morantz, 1983, p.26). HBC tried to pressure the trappers to become more productive harvesters of furs. In spite of these pressures, they participated in the market economy system only to the extent necessary to support their subsistence lifestyle. Francis & Morantz (1983) state: "When the European fur-trading companies arrived in the region, the people did not become trappers in the sense that acquiring pelts for trade superseded hunting for food. Trapping always was subordinate to their subsistence pursuits, much to the annoyance of the traders" (p.7).

Another observation in this regard by Francis & Morantz (1983) pertained to the loss of enthusiasm on the part of the Cree to harvest furs when certain favourite foods were plentiful, such as caribou, fish, or ptarmigan. This was, of course, disappointing to HBC (p.58). There is no doubt that HBC did put pressure on the Cree to harvest furs in accordance with their desired aims. For example, in 1697 the London superiors of HBC superintendent James Knight instructed him to persuade hunters to bring in more marketable skins. To make the point, "London officials allowed company servants to burn the skins publicly as an indication of their worthlessness" (Francis & Morantz, p.34). However, Francis & Morantz (1983) argued against any notion of the Cree as "naïve traders," designating the relationship between them and the "white man" as one of "mutual dependency." They stated: "Hudson's Bay Company servants relied on the Indians for food and furs, while the Indians relied on a supply of guns, ammunition, and

the metal implements which enabled them to more efficiently harvest their wilderness environment. Given this state of interdependency, relations between the James Bay people and the company's servants were peaceful if not actually friendly" (p.25).

It is important to remember that the Cree, in some ways, had the upper hand on the English fur traders since the latter depended on them for their survival, especially earlier on. Francis & Morantz (1983) described how this dependency shaped the relationship:

These Europeans were strangers in an alien land, dependent for survival on the goodwill of an unknown local population and unreliable sea links with Britain. If the Indians became hostile, the approximately sixty Englishmen at the three posts were hopelessly outnumbered. If the Indians became indifferent, if they deserted the posts, then the Englishmen were incapable of surviving on their own. Furthermore, in an attempt to make private trade impossible, company servants were forbidden to communicate with the local people, a regulation which must have struck the Indians as unusual and unfriendly (p.26).

The Cree, on the other hand, were not totally reliant on the fur trade with the English but the supplies they received from it did enable them to pursue their subsistence activities more efficiently. Furthermore, they could and did alternately trade furs with the French from the latter part of the 17<sup>th</sup> century well into the 18<sup>th</sup> century. This forcibly rendered the English more compliant to Cree demands as to the choice and terms of trade (Francis & Morantz, 1983, pp.26-27). The inlanders were in a better negotiating position in this regard than their coastal kin: "...the coastal people were only part-time hunters, relying on the Hudson's Bay Company stores in times of starvation. Unlike the inlanders, they did not have the opportunity to trade with Canadian competitors, and consequently they did not have the opportunity to manipulate their relationship with the white trader to their advantage" (p.85). As for where the Cree stood with regard to the

English/French rivalry, trade conditions or personal experiences may have determined their preference but there appears to have been no overall partiality (ibid, p.30).

The fur trade also brought alcohol into the lives of the Cree. Brandy became an article of trade in 1710 and by the mid-1720s had become HBC's most important trade item. In 1851, largely at the urging of missionaries, the company discontinued the use of liquor as an item of trade. (Francis & Morantz, 1983, pp39-40; p.128) Francis & Morantz (1983) contend that, while liquor was consumed in quantity, its effects should not be exaggerated:

Indians were social drinkers; they drank in the company of other hunters when they met for brief periods at the trading post. They seldom took away liquor to their hunting territories except when requested by the company to present some to inland Indians whose trade was desired. Liquor was too bulky an article to transport. An injury received in a brawl, a drowning, a violent death – these were the very occasional results of the trade in liquor in eastern James Bay, and as often as not they involved inebriated white men as well as Indians (p.128).

Francis & Morantz (1983) maintained that the fur trade did not drastically transform Cree culture. Missionaries and governments, however, would subsequently bring about greater social change. Over the years, government intervention in the name of education has also had a significant impact on Cree society in a number of ways. Most Crees with formal education have maintained a strong attachment to the land but few have had the skills or the inclination to take up bush life as their main means of survival. Whether graduate or drop-out, Crees who have gone to school have been the most likely to become part of the wage labour force (LaRusic,1979, pp.28-29). Today, this represents the majority of adult Cree. This has not produced an overall diminution of land use, however, as a significant increase in population and extensive part-time

engagement in traditional pursuits has maintained a high level of land based activity (personal correspondence, confidential).

Francis & Morantz (1983) concluded that, “although events in the nineteenth century altered the Crees’ relationship to the traders, they did not radically change or destroy their relationship to the land” (p.171). Traditional Cree social practices have always been closely aligned with the changes and demands of the land:

The success of an Indian’s fur hunt, indeed the success of his struggle for existence in general, depended on a number of environmental variables, both climatic and ecological. The quantity of snow, the mildness or severity of the fall, the timing of freeze-up, and the extent of spring flooding – all these factors could affect the availability of food and furs (ibid, p.57).

Since nature had such an influence on the traditional Cree lifestyle, it followed that seasonal change was also reflected in social practices. There were also differences between coastal and inland practices because of climatic and ecological variations.

Francis & Morantz (1983) gave the following account of early to mid-19<sup>th</sup> century Cree at Fort George that indicated how the land dictated the lifestyle:

The coastal people, at least in the fall and early winter, inhabited the James Bay shore on either side of the Fort George River, as it was now called. Their lands were not rich in beaver and they trapped primarily fox and marten. Because these animals were susceptible to periodic reductions in population, The Fort George people regularly experienced winters of extreme privation. Depending on the success of their autumn hunt along the coast, these Indians would sometimes move inland in January in search of more productive grounds” (p.137).

Francis & Morantz (1983) provided a perspective on how the fur trade fit into these seasonal practices in the 18<sup>th</sup> century. The coastal people would arrive at Eastmain House as early as the beginning of March for the goose hunt. For the inlanders, trading began in June with the breakup of the ice. The inlanders provided greater numbers of furs to HBC because of the greater abundance of fur-bearing animals in their territory (p.41).

Summer was a less productive time in terms of hunting, and more time was spent in settlements. There were more social activities in summer such as feasts, dances, and weddings. Summer leadership also differed from that of winter. In winter, there was one leader for each hunting group. In summer, leadership was more diffused as several individuals controlled different activities. Among the Cree, there was the band chief, the Anglican catechists, and those with permanent jobs who were in a position to hire others. Among non-Natives were the Hudson's Bay Company manager, church ministers, and the school principal (Tanner, 1979, pp.23-24).

Over the years, summer became a time of casual employment for many Crees. By the time HBC had established trading posts at the inland locations of Mistassini Post<sup>53</sup> and Waswanipi Post<sup>54</sup> in early 19<sup>th</sup> century, the Cree had become indispensable to the fur trade as guides, voyageurs and canoe builders, and so the traditional summer activities of fishing, hunting, and socializing became increasingly replaced by such seasonal employment (Francis & Morantz, 1983, pp.113-114). The Cree also became increasingly controlled and limited by means of various bureaucratic systems and procedures over the years. For example, in the early 19<sup>th</sup> century HBC instituted measures to prevent Cree traders from seeking credit from one trading post then selling their furs to another by "assigning" families to a particular post:

If a hunter brought his furs to a different post, they naturally were accepted but were credited to his "home" post where he was encouraged to return as usual the next season. Indians who "wandered" were mistrusted by the company officers for being suspicious characters. The company intended this arrangement to enable a more accurate evaluation of the trade at each post and also to ensure that one trader did not increase his returns at the expense of his

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<sup>53</sup> The community has reverted to its original Cree name of "Mistissini".

<sup>54</sup> Waswanipi Post was not where the community of Waswanipi is presently situated but on Waswanipi Lake.

neighbour. Whatever the bureaucratic benefits to the company, the effect on the Indians was to restrict their traditional freedom of movement (ibid, p.123). Increased involvement with HBC over the years resulted in significant changes

with regard to Cree economic, social and spiritual life by the 19<sup>th</sup> century. Whereas in the past some Cree had performed certain tasks for the company away from the post, by then some of the coastal Cree were beginning to perform tasks at the post not necessarily related to traditional skills. Wage labour progressively became an option to hunting, particularly for those “who had had a poor fur season”. However, the authors caution not to overstate reliance on the post since individual situations varied. While some were more dependent, others were hardly or not dependent at all on the post (Francis & Morantz, 1983, pp.151-158).

Cree lands were *purchased* by Canada from HBC in 1870. The Quebec government first intervened in the region in the late 1920s as the result of a crisis created by white trappers. Throughout the years, there have been differences in interpretation about the respective roles of the Cree, the government of Canada, and the government of Quebec. For example, in the past, federal government agents acted as if they were administering Cree hunting activities *for* the Cree while the Cree themselves thought these agents were simply recognizing their own system. The Cree apparently interpreted the actions of the federal government in terms of aid and not in terms of surrendering their autonomy (Feit, 1989, pp.188-189). Nonetheless, as Feit pointed out, Cree compliance would have significant consequences: “...these responses... represented a turning point in Cree society. They bound the Cree within the fabric of Canadian political society, law, and economy for the first time, and in circumstances that did not make the potential threats to their autonomy clear. The Cree were still exercising



extensive control and autonomy in their hunting culture, but they were now doing so as part of the Canadian polity” (ibid, p.190).

It appears some are still questioning that forced inclusion into the Canadian polity. The aforementioned Chisasibi focus group participant who questioned the amount of importance being attached to outside recognition maintained that there are rights people need to recognise for themselves. This is where one must start, he contended; others cannot dictate your rights. A lot of Native rights, he argued, are “on their way to becoming fictitious.” He added:

They build so many walls around them and change the meaning of them as many times as they can. But when *we* talk about our rights they’re pretty simple, they’re straightforward, and we know what they are... we don’t need a government to tell us. We don’t need a judge to tell us... If we continue picking our battlegrounds in court, we’re helping diminish our rights (focus group, Chisasibi, April 25, 2007).

Another member of the Chisasibi focus group joined in to reinforce that point:

The more you ask them to define for you what your rights are... they’re going to start limiting them... Once we get into defining what our rights are, we’re stuck with that. And people seem to want to live within the confines of a document, whether it’s the James Bay and Northern Quebec Agreement of ’75 or the *Paix des Braves*, and continue to negotiate a way of life. That’s not self-government. That’s not self-determination.

Although Philip Awashish (personal communication, March 27, 2007) presented a much different view of the JBNQA, he did also address the limits of contemporary law in relation to rights and questioned the influence it has on Cree society as a whole. He stated that the Cree have to get out of the framework of thinking they need to negotiate their inherent right, stating: “It isn’t an inherent right if you have to negotiate it.” He said that people tend to think of contemporary law as what there is now, what the lawyers tell them. He said that he thought of it in terms of what is absent, what should be there.

When asked about how social and cultural concerns should be addressed within decision-making processes, one focus group participant contended it should be up to the leadership to decide. When asked if a change of leadership results in a change in priorities, it was suggested that the Cree leadership was presently in a period of transition in which a younger generation was taking over from “the old boys’ club.” That expression came up in a number of focus group comments and in interviews, such as in the observations of a young adult who had been part of the Cree leadership. It was stated that there is a “glass ceiling” one hits in dealing with “the infamous old boys’ club,” and that some younger men get “sucked into it.” They then follow the same pattern as those who were there before: “It’s so subtle the way it happens. To begin with they’re your peer, and then suddenly they’re one of the old boys” (focus group, Waswanipi). Along the same lines, Luke McLeod (personal communication, Nov.27, 2006) stated: “The leadership involves a handful of people in backrooms making decisions on behalf of the Cree. It’s still the same old teams. The young leaders coming up will change this, I hope.” McLeod also expressed concern with regard to how the upcoming federal negotiations were being negotiated on behalf of the Cree, stating:

I’m worried about federal negotiations. There is a lot of money involved. Lawyers and consultants are running affairs. You won’t get the same thinking out of non-Native lawyers and consultants as you would with Cree people, but *they* (the former) are setting the agenda. You need to make it very clear what you want. To limit their power. You have to stay in charge. Money can quickly get tied up if you’re not careful (ibid).

McLeod also stated, on the question of leadership: “Too many Crees have that “Indian Affairs” syndrome and run our affairs as if we still are not capable of taking care of ourselves. We are stuck in dependency and make our people the

same.” (ibid) Others spoke of an existing elite and nepotism. Nepotism, it was argued, does not create “results” for the community but division.

Since the signing of the JBNQA and the establishment of the GCCEI/CRA much of the focus of Cree governance has been on implementing that agreement. *Regional* Cree governance is overseen by the Cree Council Board that consists of the Grand Chief, the Deputy Grand Chief, the Chief of each community, and a band representative from each community. At Board meetings, these elected Cree leaders are often accompanied by lawyers, consultants and administrators who serve as advisors to the Board. Money distribution from the regional to the local is done on the basis of distribution formulas which have been established over the years. There are different formulas for different kinds of funding. These are either determined on a per capita basis or according to need. Need, however, is neither easy to define nor to agree upon when more money for one community means less for another. Fiscal imbalance between communities has always been contentious but apparently less so now than in the past because of the increase of money available through the various agreements. As Robert Kitchen (personal communication, January 10, 2007) pointed out, what was at stake previously was hundreds of thousands of dollars but now it’s millions.

The traditional concept of leadership still exists within the hunting society, but political leadership functions largely on the basis of different criteria. Cree elders have traditionally been thought of as the voices of wisdom and leadership. In considering the influence of elders, it is important to keep in mind that “elder” within the traditional Cree view is not defined by age but by respect. Philip Awashish (personal communication, March 27, 2007) contended that traditional values still influence decision-making in Cree

society. Elders under the traditional system played an essential role and are regarded as wisdom keepers. A person does not become an elder through age but through a process called *weewaymaganou*, a process of becoming and being recognised as possessing certain knowledge, skills, talents and wisdom. Awashish stated that no one becomes an elder through self-proclamation or any kind of proclamation. He called it a “foolproof or idiot proof system” in that no idiot could become a leader through such a system. “Whereas,” he added, “in a democratic system, an idiot *can* become a leader” (*laughs*).

As power and leadership have gradually shifted from the hunter to the administrator, the role of elders has become increasingly more consultative. The difficulty in conferring real power to the elders is comparable to the aforementioned difficulty in reconciling traditional Cree values with mainstream organisational ones. The Cree did not choose the arena or the rules within which to defend their interests but they must be able to do so effectively.

In the early 1970’s when the James Bay hydro-electric development was first being discussed, Ted Moses stated, “maybe it was beyond the Crees, the older... the elders and the older trappers. It was beyond their... I guess... comprehension that such major rivers could be diverted or that you could even build a road from down South all the way up to La Grande- to Chisasibi- and move big things, and have transmission lines...” It was difficult for them to imagine how people could change the flow of a river, to move hills and mountains that hold back the water. They eventually realised it was possible and that a big change was coming. These were the people, he stated, that had a real, deep relationship to the land and had not been down South. The instructions from those people, he stated, was to prepare for tomorrow. “They had a vision for the

future that now with the road there would be... and development... there would be *big, big, big* changes, that the way it was with them and that generation with the land and the way of life would cease to continue. That there would be...again... a big change on that, and in light of that then you have to evolve and you, yourself, have to change. So that's the kind of direction... because, I was there as one of the negotiators... and largely they said,...try and get what we can from Quebec for the future." He stated that principles of self-determination were present even though people may have been unaware of the term itself. Moses said that in attempting to explain a concept like self-determination to a unilingual Cree he would explain it in terms of, "now or eventually having the opportunity to do things yourself" (personal communication, June 21, 2007).

Where did those who are most closely linked to the traditional subsistence lifestyle, the elders, fit into this debate? It may, in fact, be prudent not to equate people who live off the land with elders as Paul Dixon pointed out. In response to the question on my questionnaire as to who were the best people to address the respondent's main concerns, he replied: "hunting society (young and old)" next to "Other (specify)." The other choices were: elders, professionals, family & friends, and Cree leaders. This response was a good reminder that the hunting society also consists of younger hunters, not only elderly ones. Having nonetheless specified elders in previous interview questions about people living off the land, several interviewees indicated that elders were not particularly alarmed about the *Paix des Braves* Agreement because they had already seen a lot of changes in their lifetime (personal communication, Flora Blacksmith, Nov.30, 2006).

Luke McLeod (personal communication, Nov.27, 2006) spoke of the elders of people who always want to help and show up at most meetings. He stated that many blindly trust what they are told. McLeod contended that it was impossible for elders to fully understand the Agreement in the timeframe they had to approve it.

Many Cree people still defer to the skilled hunter and the wise elder but decision-making power within Cree society has gradually shifted to those who can best “negotiate with the white man” and oversee Western-based political, administrative, and financial organization. Cree organisation and power has been significantly influenced by external pressures, mainly from the governments of Canada and Quebec and various regional, national (however it may be defined) and global commercial interests.

Cree leaders need to communicate with mainstream government representatives within organisations and rules not of their making. Yet they must learn to function effectively within these systems if their concerns are to be heard at all. These ways of functioning and discussing are also imported into Cree organisation and discourse. It is difficult to assess to societal impacts of adopting such mainstream practices, but over time it has likely significantly influenced the way the Cree think about, talk about, and act upon their place in the world. One focus group participant, referring more specifically to the policies of the CBHSSJB, felt it was using “White Man policies”:

The White Man doesn't know who we are. They don't know our history or all the abuse we went through. They come into our communities and tell us we have to follow these policies to get this money. Our leaders have the authority to change these policies to meet the needs of the people. Our leaders are not budging. We're still working with the same policies, and we're not moving forward” (focus group, Waswanipi).

In a focus group discussion Cree leadership was referred to as “performance orientated,” meaning being focused on performance rather than “doing the right thing.”

It was suggested that the residential school experience had shattered the self-esteem of many Cree people, including those who would become leaders. The heady experience of acquiring power through leadership could be overwhelming: “You forget that you work for the people, and it’s all about you now. Because you never got that before... You never got recognition before” (focus group, Waswanipi).

Traits belonging to a *good leader*, as suggested by research participants, include the ability to listen, humility, and doing things from the heart. It was suggested: “If you remain humble, everything follows from there” (focus group, Waswanipi). Chief John Kitchen stated that a leader needs to treat everyone equally and help them as much as possible.

Prior to the signing of the *Paix des Braves*, Deputy Grand Chief Matthew Mukash and Cree Nation Youth Chief Ashley Iserhoff had been outspoken opponents of the Agreement. On October 18, 2005 they were sworn in as newly elected Grand Chief and Deputy Grand Chief respectively. What would this mean for the future of the *Paix des Braves*?

In exploring the significance of this political change through interviews, a number of interviewees echoed the thoughts of Robert Kitchen (personal communication, January 10, 2007). The new leadership was in a position where it had to implement what had been negotiated by the previous leadership. It could not go back or second-guess. Another limiting factor was the fact that high ranking people in the Cree bureaucracy had been strong supporters of the Agreement and they were arguably resistant to change. Grand Chief Mukash (personal communication, March 26, 2007) was about 16 months into his term at the time of our interview, and stated he had not changed people in the

organisation since there was no by-law allowing him to do so. Some positions are permanent and people cannot be removed without cause. He stated that he intended to change that in the course of his mandate to make sure a policy was in place for any new administration to build an executive team that would serve as support staff. He stated that the bureaucracy of the GCCEI/CRA was similar to government bureaucracies elsewhere and that a certain attitude was being protected. He concluded that it was very hard to make changes when the bureaucracy doesn't change. Grand Chief Mukash stated: "I know that there is some resistance to the changes we'd like to make, myself and the Deputy Grand Chief who was elected at the same time I was. So there are limitations to making changes." Another factor that makes change difficult is that there are no financial resources specifically set aside for that purpose. All monies received are earmarked for different departments. Therefore, making changes requires taking money from other areas to which funds were committed.

Mukash stated that people are sometimes stuck in a bind of not thinking beyond certain structures and ways of doing things. His vision is to develop a Cree constitution under which Cree entities like the CBHSSJB, the CSB, the CTA and other major Cree organisations would operate under one umbrella. They would become ministries, or something of that nature, within a Cree government. Representatives would sit as a parliament and enact laws instead of just passing resolutions. Presently, as Grand Chief Mukash sees it, the GCCEI/CRA operate almost like business organisations and not really like a government as such. Philip Awashish (personal communication, March 27, 2007) also addressed this issue in terms of "corporate governance." He stated:

In decision-making through corporate governance, a board is the deciding body. The board is governed by a set of rules determined by contemporary law,



corporate law. Now, often the decisions are made through a democratic process in which the majority rules. So this form of decision-making has come into play and it is in effect. That is not to say that the old ways of making decisions through consensus is entirely gone. Personally, I think the old way is much better because the democratic process had divided people. We no longer speak with one voice.

Grand Chief Mukash explained how resolutions passed at AGA's are not binding until they are ratified by the Council Board. Then, mandates and directive are assigned. The carrying out of mandates is also dependent on the availability of human and financial resources. There are sometimes well-intentioned resolutions for which funding is not earmarked to carry out. That is why many social or cultural issues are automatically handed over to regional organisations that are involved with these issues. Grand Chief Mukash's vision of a Cree parliamentary system would perhaps provide a solution to the woman participant in the Waswanipi focus group who had expressed frustration at the non-binding nature of AGA resolutions. When she was told by a veteran politician such resolutions are not binding, her reaction was: "Not binding? Then what are we doing here? If people come here and ask for change, why are we fooling them?" (focus group, Waswanipi).

Even without a constitution, Grand Chief Mukash stated, nothing is stopping the Cree Nation from sitting as a legislature and making major decisions as it did back in 1995 when the Cree Nation held its own referendum on Quebec sovereignty.

The *Paix des Braves* defines and confines many areas of Cree life within a framework of Quebec legal and administrative structures, regulations, and procedures. A good example of this is how the Agreement defines the role of the Cree tallyman. When asked about the effects of the *Paix des Braves* on the tallyman, Ted Moses said that it provided certain opportunities in terms of being eligible for certain things like cabins,

programs, or projects. In the case of a tallyman being displaced from his trapline by development there are certain kinds of assistance with regard to relocation; for example, creating new spawning grounds to replace the ones destroyed by flooding or other development, and providing subsidies for new equipment. These types of assistance are meant to help the tallyman continue to have access to the land to trap on his trapline.

In considering the question of leadership within contemporary Cree society it is interesting to observe that when asked who the best people are to address their main concerns, questionnaire respondents were evenly divided between “leaders” and “elders.” This shows how, although elders may no longer have the decision-making power they once had, they are still viewed as having an important role to play in Cree society. Only 11% chose “professionals” and 9% “family & friends.” Chisasibi attributed a higher degree of significance to the role of elders than other communities, 45% compared to 27% for Waswanipi and 30% for the other communities combined.

### 3.2.8 Subsistence Lifestyle and Market Economy

What constitutes quality of life for the Cree? As the Cree lifestyle has become more dependent on a market economy, mainstream discourses of progress and development have become more prominent. These are modernist concepts that are rejected by postmodernism, along with that of an “ideal state” toward which one might progress. Graham et al (1992) made that point as follows:

Implicit in the Enlightenment Project is the concept of an ideal configuration of society towards which civilisation might progress. Although the nature of this ideal state is conceived differently by each of the major political ideologies, their accounts all presuppose its existence. Whatever its characteristics, it becomes the standard against which each can measure social

progress and without which the notion of progress itself ceases to hold any meaning. Further, under modernism this notion of an ideal state of society is often linked with some kind of stage theory of development, a development of civilisation which is linear and progressive despite periodical setbacks. Under postmodernism's many voices, with no discourse privileged over another, the notion of any ultimate ideal state must be rejected and with it the modernist notion of progress" (p.16).

Although a postmodernist stance implicitly refutes notions of progress and development, such as those used to justify the need to support the *Paix des Braves*, as having any truth basis it does not deny its perceived importance for a significant part of the Cree population. Such notions were recurring themes throughout this research.

The Cree sought a balance between a subsistence economy and a market economy after market economy forces had created new demands on them. Feit (1982) explained how in negotiating the JBNQA of 1975, the Cree sought to offset the problems of increasing dependence on the market economy to maintain their subsistence economy:

It was one of their objectives during the negotiation of the agreement to establish the conditions necessary to sustain the central core of Cree life and society, and to ensure that in the future they could build a society based on a balance among the population of participation in subsistence activities and in economic enterprises and employment. Furthermore, they explicitly sought to reduce both the economic and the administrative dependences (p.396).

This search for balance has informed the Cree collective response to post-contact influences such as the fur trade, mining and forestry operations, and hydro-electric development. For many years, the Cree attempted to find that balance through a mix of the traditional subsistence lifestyle reinforced by summer employment. The pattern of summer employment developed during the 18<sup>th</sup> and 19<sup>th</sup> centuries continued into the 20<sup>th</sup> century. By the 1930s, it included moving supplies on canoe brigades and working as guides for geological and mapping parties. In the 1940s some inland men worked in forestry activities, and later in mining. But in the winter most returned to the bush to

resume their subsistence lifestyle. The importance of summer employment, as that of welfare and the Income Security Program later on, remained its support for long-term land based activity (LaRusic, 1979, pp. 4-9, 22, 37-38, 51-65).

The mainstream market economy system, at least up to and somewhat beyond the signing of the JBNQA in 1975, mainly supported the subsistence lifestyle. It did not dictate how the Cree should live nor yet impose on them the degree of pressure it later would to consider the resources of the land as exploitable commodities. LaRusic (1979) indicated that in 1976-1977 less than one-quarter of family income was provided by the market economy, the rest being derived from bush activities (p.15). At the turn of the new millennium, Chief John Kitchen (personal communication, Dec.1, 2006) considered that though many families are finding it increasingly difficult to get by on Income Security and bush activities are more concentrated within peak hunting times and weekends as increasingly more Cree become dependent on the market economy, the Cree are not losing their culture or hunting way of life. While, on the one hand, there is flooding of land and the impacts of forestry there are also programmes to support hunting activities. Assistance provided for the purchase of equipment and gas, for example, are of great help to the hunting society. Chief Kitchen and others have maintained that Cree traditional ways and values are still an important aspect of Cree identity, regardless of changes pertaining to the materiality of Cree society. For them, it appears to be how they view or imagine themselves as a society that defines them. Going out onto the land and hunting remain the key ingredients of that sense of identity.

Chief John Kitchen considered the balance between economic and cultural concerns as being achievable through mutual respect. With regard to forestry, trappers

should be given assistance when it is needed and the same consideration should be given by the trappers to the demands of forestry.

A focus group participant in Chisasibi questioned the Cree leadership's rationale for signing the *Paix des Braves* on the basis of arguments about improvement in quality of life. He mentioned how the Cree used to be active and healthy as trappers. Now, Cree reality was something else. "You sit in your car. You get a big TV. And you call this quality of life?"

Cree societal needs have been significantly rearticulated by the Cree leadership from a traditional subsistence-lifestyle base to those of a market-economy base. Notions of *development* and *progress*, more closely linked to an ideology of the latter than of the former, seem to have become increasingly internalized and normalized within Cree society. Cree supporters of the agreement arguably were either less threatened or more resigned to a narrowing of cultural difference between themselves and mainstream society. Ted Moses said that growing up he noticed the Cree communities becoming more sedentary. There were fewer people going out from the community and more receiving welfare. He experienced that first-hand in his younger years as Band Manager, stating that it was his responsibility to hand out welfare payments. He claimed that, at that time, HBC was making a lot of decisions for people that could determine whether or not they went out in the bush<sup>55</sup>. There was also the Indian Agent who sought to direct the Chief and Council in their decisions. This would often be done through promises that would remain unfulfilled. Such circumstances impinged on the right of the Cree to make their own decisions. The HBC and government agents acted as bosses of the Cree. Moses

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<sup>55</sup> Moses did not specify how HBC exercised control over whether or not people went out in the bush, but I assume it had to do with the granting of credit to obtain necessary supplies.

mentioned the difficulty he had at the time convincing the Chief of his community that he was the leader and that these people could not tell him what to do. Accustomed to such circumstances many found it difficult to think in terms of having rights. Also, because so many undelivered promises had been made in the past, it was difficult for them to believe that the changes promised through the JBNQA would be realised. This included such things as income security and a water and sewage system (personal communication, June 21, 2007). Under such conditions, *development* was not a negative occurrence in Moses' view. He stated:

Some people believe that if there was no hydro-electric development, if there was no mining, no forestry, life would be good. We wouldn't have any social problems, we wouldn't have any money problems, we wouldn't have any problems at all but we would be *super-duper* Crees. Look at northern Ontario. There's no mining, no forestry, no hydro-electric development. What you have there is a welfare society of communities with no hope for the future for younger generations. Here you look at that and say, 'Is this what you want to go for?... you know...or is there a way of... we talk about co-existing... (ibid).

Moses' rearticulation of Cree needs within a discourse of development and evolution has been echoed by a number of supporters of the *Paix des Braves*. As demonstrated by the following letter to the *Nation* from Larry Shecapio, a Mistissini Cree, some argued for the need to conform to the demands of contemporary reality:

A way of life is how we live today, not the past lives of others, but our present lives. Before the signing of the JBNQA, the Cree way of life was to hunt for survival, they relied on the land and animals for their survival. Today our way of life is to bring food to our tables for our families. It was said "once the last tree has been cut down then we realize that money cannot be eaten," but the last time I went to the grocery store, I had to exchange currency for food and goods. In order to bring food to my house, I need money. For me to have money, I need to work (*Nation*, vol.9, no.2, Dec.14, 2001, p.17).

One interviewee echoed the thought that it was necessary to adapt to a changing world while stressing that those who supported the *Paix des Braves* did not agree with the

damming of rivers: “As you know, nobody wants dams but we have to accept reality... We had no choice but to negotiate” (personal communication, confidential). He went on to say that other First Nations have had no say whatsoever with regard to development on their land whereas the Cree at least would be sharing in the revenues. With a growing population, he stated, the Cree would have to adapt to change, “stop playing victim” and co-exist with governments. He said there was no right or wrong approach to the situation: “It’s how the world is” (ibid).

Supporters of the *Paix des Braves*, including the leadership, accentuated the benefits of the agreement with regard to its financial advantages, and recognition of a nation-to-nation partnership based on mutual respect and cooperation. They did not necessarily dispute cultural concerns but often downplayed the likelihood of negative impacts resulting from the agreement. They maintained that the *Paix des Braves* would make them a partner rather than a foe of the Quebec government, and that cooperation would be more beneficial than constant opposition. The main advantage of mutual cooperation, according to the Cree leadership, was joint exploitation with Quebec of the land’s resources. Discourse around this issue related largely to questions of Cree control over decision-making and resources. Cree representatives, it was argued, would no longer have to appeal to the Quebec government on a year-to-year basis for funding.

The arguments of the Cree leadership did not seem substantially different from those of mainstream Western politicians who campaign on the merits of a strong economy, the need for financing of administrative, operational and social infrastructures, and the need for employment. The politics of difference of the past appeared to give way to the politics of mutual interest. The *best interest* of the Cree was being rearticulated

into that of the larger society. The needs of Cree society were being defined by supporters of the *Paix des Braves* within a framework of economic control and productivity linked to a perception of increased autonomy. Such a phenomenon is consistent with Appadurai's (1993) concept of *production fetishism*, which he defines as follows: "... an illusion created by contemporary transnational production loci, which masks translocal capital, transnational earning-flows, global management and often far-away workers... in the idiom and spectacle of local... control, national productivity and territorial sovereignty" (p.286). This is not to suggest there has been no cultural resistance to such change. If, as Hall contended, cultural identity pertains to embracing that which defines a social collectivity as different from others, it is perhaps the perceived blurring of cultural values, especially with regard to their relationship to the land, which made Cree opponents of the *Paix des Braves* most uncomfortable. *What* was particularly *Cree*, some may have asked, about deriving financial benefits from the exploitation of the land?<sup>56</sup> For many that opposed the agreement, they found it difficult to reconcile deeply rooted cultural values with what felt to them as a sell-out. For them the merits of a modern-day agreement like the *Paix des Braves* are still assessed on the basis of its ability to protect and enhance the traditional lifestyle and values. They raised questions about what it was that defined them as Cree, the importance of the land and the need to protect it. They did not necessarily deny the appeal of the financial gains made possible by the agreement, but often argued that it was too high a price to pay. Others did question the actual financial benefits for the average Cree person. One focus group participant stated that although people perceive the Cree as being "rich" the money is

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<sup>56</sup> The *Paix des Braves* leaves only 1% of the entire Cree territory protected from possible future forestry cutting operations.



controlled by the regional government. She added: “We don’t see the money at the grassroots level” (focus group, Waswanipi).

How did these conflicting concerns play out in deciding whether or not to support the *Paix des Braves*? When asked to indicate the main concern that most influenced their decision to support or not support the Agreement, the greatest number of responses was environmental concerns, 31%, compared to 22% for cultural concerns, 20% for economic concerns, and 12% for social concerns. Only 15% indicated another major concern or did not declare. Given this result, one can understand why the damming of the Rupert River was such a major issue in the debate over the *Paix des Braves*.

Philip Awashish (personal communication, March 27, 2007) stated that development of the North would have taken place even without the Agreement. At the time of the JBNQA negotiations, legislation was talked about at one point. That could have extinguished Cree rights, according to Awashish, so that it could not be used as leverage to stop development.<sup>57</sup> His involvement in the review and assessment of hydro-electric development taught him that a process cannot accurately determine the actual impacts, he said. The process can only come up with a best guess, and even then there are uncertainties. The hunters and tallymen are needed to deal with uncertainties, he said, as they are the ones who will have to live with the changes. Partnership with them is important to determine the appropriate strategies and measures to be taken. Regarding the damming of the Rupert River, Awashish commented: “Looking at it strictly from an Eeyou point of view, of course it doesn’t make sense to flood the land, divert rivers, change nature.” He said it did not make sense either from a traditional Cree perspective

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<sup>57</sup> Attempts by Quebec to extinguish Cree rights through legislation could no doubt have been contested, but the main point here appears to be that reaching an agreement was preferable to the uncertainty of challenging the government on the question of rights.

or that of certain Christian Cree people who would say that creation is generally good and question why it should be changed. Awashish said he had given all these viewpoints a lot of thought, but had his own perspective that was shaped by his experiences and observations growing up. He said he had lived in a very interesting period of time in Cree history. He was raised on his father's hunting territory, then suddenly taken away to boarding school. "In other words", he declared, "I was taken out of paradise." He said he was very happy during those early years of his life. He never had a bed until he went to boarding school but didn't see any need for one. Nobody else had a bed. They all slept on spruce bough floors. Awashish reminisced about Mistissini evolving from a tent encampment to the modern community it is now; and game wardens he had witnessed taking away his father's firearms, gill nets, fish, meat, and whatever else the government considered an infraction of their laws. Indian Affairs controlled and dominated his people, he declared. "I've seen a heck of a lot," he added, the worst of times and the best of times. Hydro-electric development came and the ensuing events impacted each and every Cree. The Cree wouldn't have a JBNQA without hydro-electric development, he deemed. Treaties, he said, have always been the result of a give and take situation between peoples and nations simply because the dominant society or government wanted something from the Native people.

A focus group participant offered a very different view of where the Cree fit into development-driven contemporary society:

We never went anywhere. We never split from any nation. We never labelled ourselves, even though we've been labelled everything under the sun, I guess...and more. There's nothing wrong with our opinion. We believe it's the right one and the one that represents our people. I think the idea or the notion of our people changing our ways and going on with new things and... a new way of life, I suppose... developing our territory and cashing in... I don't think they've

*(those who have that notion)* ever had the opportunity or ever taken the time to sit down and take a good look at the future. But before they do... I don't think they ever, ever... looked back to learn from the past and understand why they are where they are and why they are the way they are. Some people think that this whole idea of development and the right way to sustain our future, the right future for us is development and jobs and everything else. Sure, development has to happen in the territory but can't we find the right way to develop our territory? Not to destroy rivers, no longer to cut every little tree you can find in the territory and blow up every mountain just to find gold. There's more to it than that. I think that's the past and that's outdated (focus group, Chisasibi, April 25, 2007).

The environmental impact on the traplines was a major concern with regard to the *Paix des Braves*. One research participant said he thought the Agreement would benefit the Cree as a whole but not the trappers. Given that they would be affected the most by development, he thought they should have received more of the benefits. He said that he felt the Agreement didn't benefit the trappers in the end (personal communication, confidential).

Philip Awahish stated that in the review process for EM1A, he tried to explain to the impacted tallymen that the interests of the people as a whole needed to be taken into account more so than their own immediate interests. A lot of tallymen, he stated, said they wanted the youth who are the majority of the Cree population to benefit. Defining *best interests* is of course not the same for everyone, a fact recognised by Awahish. For those opposed to the development projects, he said, it is to save the rivers, land and culture as much as possible: "These are, of course, very noble interests and I agree, but the fact is we've lived with hydro-electric development for three decades. We still have our land, our culture, and our language. And we have become a stronger nation as well. I have every reason to believe that even with this pending project and its impacts, that we will continue to find the right strategies to defend our interests, culture and values" (personal communication, March 27, 2007).

Others proposed different strategies. One participant argued that the Cree needed to develop their own resources, and that signing deals like the *Paix des Braves* was a sign of the Cree denying themselves becoming masters of their own destiny. He stated: “We let other people develop the territory while they’re giving us the crumbs that come out of whatever profits they make. He argued it was necessary to think differently because of the rapid growth of the Cree population. He said the Cree cannot continue destroying the territory, poisoning their rivers and fish, thinking this was the right future for their children. He called it short-term gain, arguing that while some would get rich their children would have nothing when the Agreement comes to an end in 2052. He added: “Who are the real losers of the Agreement? Our children” (focus group, Chisasibi).

### 3.2.9 Storytellers and Media

As stated in the conceptual framework, various aspects of a traditional Cree worldview have been underscored in this thesis not for the purpose of uncovering the *truth* about Cree identity. The purpose was to show how present-day attitudes and approaches in Cree society are informed to varying degrees by traditional viewpoints and concepts. These perspectives and notions are part of the language itself. How encroaching Western concepts and values are to be reconciled with traditional ones remains an unresolved dilemma for most Cree individuals. Varying responses to the *Paix des Braves* have shown that there are diverse views on how to resolve this issue.

Lyotard’s notion of language games- a concept adopted from Wittgenstein- views culture as being encoded in language, not some independent world of objects. This results

in “many voices” and “no one true account” of occurrences in the world (Graham et al, 1992, p.16).

Language is an important issue in relation to the *Paix des Braves*, a matter which has perhaps not been given sufficient attention. The Cree language is still spoken by the majority of Cree people. English is the second most spoken language, and French the third. There are also still unilingual Crees, particularly among the older segment of the population. What are the implications of the language situation among the Cree on their responses to the agreement? Within such a relationship, mastery of specialised language and knowledge has been an advantage since it confers power to those who possess it. But since that type of discourse is based on different values and norms, does the use of such language within Cree organisations work against traditional concepts of organisation, power, and values?

The notion of “Cree cultural uniformity” represented within ethnographic studies such as that of Richard Preston (2002) is based on an identified Cree worldview, a sense of shared understandings, as conveyed through Cree narratives (p. 64). Preston underlined the importance of understanding the Cree language in order to understand the culture, and the limitations in understanding the culture without knowledge of the language:<sup>58</sup>

The major flaw in my fieldwork has been the need to rely on the services of interpreters; for while they do their best they can, there is no substitute for the depth, detail, and precision of learning Cree culture via the Cree language... The major problem in regard to language learning and use is that total, precise mastery is both difficult for the non-Cree and important to the Cree. It is especially necessary if one is to obtain a sophisticated grasp of Cree meanings, in Cree terms, through the habitual subtleties of informal conversation (ibid, p.66).

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This is admittedly a limitation I also confronted in the writing of this thesis.

While it may be difficult for non-Cree to grasp the subtleties of language to which Preston (2002) referred, it is nonetheless possible to raise some awareness of these. For that purpose the following example from Feit (1989) will suffice to show not only the finer points of language but how these relate to spirituality, values, and lifestyle. Feit (1989) explained the Cree concept of *nitao* as follows:

Nitao, the root of the Cree term that is roughly translated into English as 'hunting, fishing, and trapping in the bush,' is found in a series of words related to hunting activities. At least five basic meanings are associated with this root term for hunting: to see something or to look at something; to go to get or to fetch something; to need something; to want something; and to grow or continue to grow.

...the proposition that hunting is 'looking' ... involves an expectation as well as an activity....

...To get an animal in the Cree view does not mean to encounter it by chance, but to receive the animal. The animal is given to the hunter. A successful hunt is not simply the result of the intention and the work of the hunter; it is also the outcome of the intention and actions of the animals... the Cree conception of hunting involves a complex and moral relationship in which the outcome of the hunt is a result of the mutual efforts of the hunter and the environment.

...each animal has its own way of living or, as is sometimes said, its own way of thinking. Each responds to environmental circumstances in ways that human beings can recognize as logically appropriate.

...Hunting involves a reciprocal obligation for hunters to provide the conditions in which animals can grow and survive on the earth" (pp.172-180).

As this example of the depth of meaning of a single term, *nitao*, demonstrates the Cree language is strongly linked to notions of interconnectedness. These perceptions inform all that is observed and experienced, including the *Paix des Braves*. It becomes increasingly obvious through the examination of even a small sampling of the Cree language how a proposal that would result in the building of dams, flooding of land and drowning of animals could have such a strong impact. How, within such a worldview, could agreeing to such an endeavour be compatible with their responsibility toward the

animals? The issue of whether or not the Cree are stewards of the land was one of the hotly debated issues leading up to the signing of the Agreement.

The language issue is not a simple matter of *us* and *them* since the Cree nowadays make extensive use of English, and utilise French to a lesser degree, particularly in the work place. In order to manage their own affairs under the existing Cree system of governance, contemporary Cree leaders need to communicate with mainstream government representatives and outside interests within organisations and rules not of their making. Particularly since the signing of the JBNQA in 1975, these ways of functioning and discussing have shaped contemporary Cree organisation, administration and operation. Cree leaders and administrators function within bureaucracies modeled on mainstream organisational standards and use the same bureaucratic language. That language is linked not only to ways of functioning but also to values and norms. These values and norms can be not only different from traditional Cree concepts but opposed to them.

It is difficult to assess the societal impacts of adopting such mainstream practices, but over time it has likely significantly influenced the way many Cree think about, talk about, and act upon their place in the world. These practices have also arguably had a major impact on what characteristics and abilities are most recognised and valued in Cree organisation. To what extent have leadership qualities and expertise in Cree society been redefined from bush skills to negotiating and administrative abilities? Cree organisational and power structures have had to adapt to the need to interact with the governments of Canada and Quebec. An anecdote related by former Grand Chief Moses indicated just how far the expectation of Cree adaptation by governmental representatives

may have gone. Moses recounted how then Premier Bernard Landry had asked him whether he was a Canadian or a Quebecker first. Moses had answered that the Cree called themselves *Eeyou*, meaning *peoples*, and that in international law peoples have a right to self-determination. He said he told Landry, “So, we are Eeyou” (personal communication, June 21, 2007).

In response to the suggestion that disputes can come down the definition of one specific term, Ted Moses (personal communication, June 21, 2007) replied: “That’s why it’s a haven for lawyers...*(laughs)*...with all due respect to the profession.” He stated that it is possible to “get caught up in that, which is what happened since 1975. When one does not want to do anything, that is what they resort to. They hide behind technical barriers and use interpretation...”

The need for Cree people to communicate in other languages and on the basis of other ideologies to defend their social and cultural interests puts them on an unequal footing of power. Not only must they concern themselves with the differences in concepts and means of expression between Cree, English, and French. They must also navigate through formal, bureaucratic and legalistic forms of expression in order to determine whether or not their best interests are being represented. Arguably, this is an impossible situation. Such an argument could be mounted either on the basis of Lyotard’s concepts of the *differend* and *language games* or Frow’s concept of *criteria of value*, both of which maintain that some differences may be irreconcilable. (Lyotard, 1988; Frow, 1995, p.130) How Western views can be reconciled with traditional Cree concepts is difficult to assess, but it is an important matter to consider.



The *official* version of the *Paix des Braves* is in French. The linguistic expression of that agreement contains within it an understanding specific to that language, and particularly to the uses of French within Quebec society. Formal and legalistic expressions within the *Paix des Braves* also take on particular meanings within the historical and legal traditions of Quebec. The important role played by lawyers, legal advisors, and consultants within most Cree organisations is a telling sign of the high value of mastering this specialized language. Their expertise is required in order to interact with existing governmental and business bureaucracies that function on the basis of such terminology. The use of the terminology inevitably spills over into the everyday functioning of Cree organisations. Talk of infrastructures, organisational charts, and mandates are but a few simple examples of this phenomenon. What are the consequent effects or limitations on the understanding and participation of the Cree population in matters of such importance as the *Paix des Braves*?

The degree of difficulty in understanding legalistic or bureaucratic concepts is particularly high for the most traditional of the Cree, namely the unilingual elders who practice a subsistence lifestyle. Richardson (1977) provides a descriptive account of that experience for many Crees who found themselves in Montreal, in December 1972, to defend their way of life against hydro-electric development in Eeyou Istchee:

Many of them were not clear as to what was expected of them in these strange surroundings: they knew only that they had been brought south to answer questions that would be put to them, and to tell people in the south about how they lived so that they might defend their way of life. Certainly today they could not have realized that the whole day- in fact, the whole week- would be occupied by legal argument so complicated and dry that even most people who understood the French and English languages in which the argument was conducted would find it difficult to follow what the lawyers were talking about. But the hunters were not men for whom time had great importance: they had patience, and they stayed in the overcrowded and overheated room throughout the day, looking for

all the world as if they were following the argument closely as the lawyers tossed obscure legal references back and forth before the judge” (pp.19-20).

Public debates pertaining to the AIP within Cree governance and society took place mostly in English and Cree. The Cree leadership worked with and presented English documents as the basis for debate on the issue. The media coverage of the debate followed by most Cree was also in English as the main publication within Cree territory, the *Nation*, publishes in English. Unilingual Cree were particularly disadvantaged as participants in the debate. These were primarily older Cree people, and those most closely attached to the traditional subsistence lifestyle and culture.

As bureaucratic and legalistic language becomes more entrenched within Cree organization and functioning, and as increasingly more Cree rationalize decisions and behaviour on the basis of this language, traditional concepts become ever more challenged. Translating these mainstream notions into Cree can be difficult because there is sometimes little or no common ground. A couple of examples of how mainstream concepts have been integrated into Cree usage are the terms “regional” and “alternative.” In the first example: as previously mentioned, the Cree territory as a whole is commonly referred to by its mainstream designation of *region*, and Cree organizations that represent all Crees are called *regional* (rather than national), although each Cree community refers to itself as a “nation” and the Cree as a whole have negotiated “nation-to-nation” agreements such as the Cree-Naskapi Act and the *Paix des Braves*. When the irony of having *nations* under a *regional* government was mentioned to Ted Moses, he suggested that perhaps in time the usage might be, for example, “the Cree Nation *at* Waskaganish.”

In the second example: as pointed out by a focus group participant, the CBHSSJB refers to traditional Cree medicine as “alternative medicine.” She argued: “To a *mistugushiu*<sup>59</sup> that’s alternative medicine because they don’t understand.” In both of these examples the terms reflect a mainstream perspective.

Every translation is at the same time an interpretation, as Gadamer pointed out, and meaning is mediated by linguistic traditions (Gadamer, 297-308). Given this uncommonality of language and meaning, certain questions come to mind. What follows are a few of these questions along with brief answers:

Since the French wording of the agreement constitutes the *official* version, does this pose a potential problem for the Cree leadership and administration which is interpreting it on the basis of the English version? The Cree leadership and administration has had to rely on the adequacy of the English translation of the *Paix des Braves* and on the expertise of its French-speaking legal counsel to interpret the agreement. It is clear that if the meaning and implications of any part of the agreement were to be contested, it would be resolved on the basis of the French text. James Bobbish (personal communication, March 23, 2007) stated that the provision that the French version of an agreement is the official version is present in all agreements with Quebec and, in his opinion, poses no real problem. While it seems unlikely that this should present any real difficulty for the Cree, it does put increased reliance on the part of the mainly non-French speaking Cree leadership on the expertise of others.

If there is disagreement between the Cree and the Quebec government as to the meaning of some part of the *Paix des Braves*, what mechanism is there for the resolution of such a conflict? Chapter 12 of the *Paix des Braves*, “Settlement of Disputes” contains

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<sup>59</sup> *Mistugushiu* is the Cree term for “Whiteman.”

a conflict resolution mechanism pertaining to all parties to the agreement, i.e. the “Native Party” (the Cree), the Quebec government and, for disputes arising out of Chapter 8 of the JBNQA<sup>60</sup>, the Société d’énergie de la Baie James (SEBJ) and Hydro-Québec. That mechanism includes referral to the Standing Liaison Committee, established as a result of the agreement. If that committee fails to resolve the dispute an independent third party chosen jointly, or failing agreement, a Judge of the Superior Court is brought in to mediate. The parties may agree to grant the mediator the powers of an arbitrator. It is unclear what options remain if the parties do not accord the powers of an arbitrator to the mediator and, if in spite of all efforts, the dispute remains unsolved. It has been suggested that, in such a case, the situation would revert to the pre-existing conditions of the JBNQA.

How difficult was it for the Cree leadership to explain the agreement with respect to its formal and legalistic wording? The Cree leadership employed interpreters for its consultation tour of the communities. The interpreters were not always able to translate the more legalistic terms into Cree and sometimes had to use the English terminology. Analysis of the questionnaires provides an indication of the importance of receiving information in the Cree language in order to understand important issues in Cree society such as the *Paix des Braves*. The questionnaire question, “*How important was it for you to get information in Cree to understand the AIP/Paix des Braves?*” resulted in 33 % indicating “very important” and 36% indicating “fairly important.” 23% answered “not at all or hardly” and the remaining 7% did not answer. Almost half of all respondents indicated they had received little or no information on the Agreement in Cree, and almost

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<sup>60</sup> Section 8 of the JBNQA is entitled *Technical Aspects* and pertains to the construction of projects involving the Société d’énergie de la Baie James and Hydro-Québec, i.e. Le Complexe La Grande, the NBR Complex, the Great Whale Complex.

half indicated the information they did receive in Cree was “not very” clear. Asked whether they had understood enough about the Agreement to make an informed decision about it, 53% answered “no,” and 42% answered “yes.” Only 5% did not answer this question.

And conversely, how difficult was it for Cree individuals, particularly unilingual Crees, to grasp the meaning and implications of what was being said about the Agreement because of language constraints?<sup>61</sup> Flora Blacksmith (personal communication, Nov.30, 2006) commented on the difficulty involved in understanding certain aspects of the Agreement: “It’s very hard to translate something that’s very technical. Those who didn’t understand went with the flow.” Also, can the Western concepts of progress and development used to rationalize hydro-electric, forestry and mining operations in Eeyou Istchee be understood by unilingual Crees? Such notions are not part of traditional Cree conceptualization. It is difficult to imagine a Cree elder speaking in terms of *progress* or *development* as understood in Western thought. Perhaps the closest some got to expressing somewhat related concerns was with regard to future interests of their children and grand-children.

Can a unilingual Cree make an informed decision on a question such as the *Paix des Braves*? That question may have to remain a rhetorical one as it is very difficult to gauge the nature or degree of understanding of the agreement on the part of unilingual Crees. It is perhaps not surprising that many unilingual Crees appear to have decided whether or not to support the agreement on the basis of trust or faith.

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<sup>61</sup> On the basis of anecdotal evidence, it seems that Cree translators at community meetings often used English legal, administrative, and technical terms that frequently were not understood.

As for bilingual or multi-lingual Crees, can traditional Cree concepts and mainstream bureaucratic notions be reconciled? If not, how does one deal with the conflicting views? This is undoubtedly a tough problem. The purpose of this thesis has been to suggest avoidance of totalising discourses around this and other relevant issues in Cree society and other First Nation settings. Rearticulating these matters within a framework of contemporary social reality consisting of discursive and communicative practices, values and ethics, and organization and power will hopefully lead to new insights and courses of action for a promising future. How traditional or Western concepts and values will be integrated into future discourse by the Cree will continue to be closely linked to their choices and decisions.

Ted Moses was asked about his perceptions on the differences between the uses of terminology and concepts in the different forums he has worked in, such as at the United Nations and in dealing with the federal and provincial governments. He stated that it was like anywhere in society where you find a working language, like office language and that of a profession such as medical or legal. He pointed out how meaning is dependent on context, using as an example the different understandings in international law of *people* and *peoples*. The former refers to individuals, such as in reference to individual rights. The latter refers to a collectivity, like the Cree. The difference can be significant, Moses emphasized, because *peoples* can have the right to self-determination whereas *people* cannot. He stated that at the United Nations these distinctions are clearly understood. Moses gave another such example, the difference between *lands* and *territories*. *Lands*, he stated, is more commonly used in Canada whereas *territories* is more common in Australia. He said that in Quebec the concept of *peoples* and its implied

right to self-determination though present is not commonly referenced. In an agreement like the *Paix des Braves* there are manifestations of self-determination, Moses maintained, and self-determination can be demonstrated by participating in development. It is beyond consultation, he said, adding: “You’re there and you can participate in a meaningful way.” He hastened to add that this is a sharing of the benefits of resources and not recognition of the right of peoples to dispose of resources as they please. Moses said that these are things that had been sought for a long time and that sometimes “it’s a matter of how you coin it,” a matter of what is most palatable and justifiable in the political context of the time.

Within the traditional Cree lifestyle and worldview communication as conceptualized in Western society does not appear to exist; it seems to collapse within a holistic and spiritual perspective of existence. Communication takes place not only among people but between people and spirits, including those of animals. As Feit (1989) explains, the interconnectedness of elements within a traditional Cree worldview is explained in terms of the *four wind persons*:

The concepts of the wind persons mediate and link several series of ideas that serve to order the Cree world in space and time. The wind persons are said to live at the four corners of the earth, thereby orienting space on a four-point compass. The wind persons also link God to the world. They are part of the world “up there,” but they affect the earth down here. They thus link the spirits and God who are up there to the men and animals who live their lives on the earth” (pp.176-177).

The relationship between media coverage and Cree responses to the AIP/*Paix des Braves* is considered further in this section. Before that, however, in order to better understand this relationship, it is useful to consider communication within the traditional hunting society and developments in mass media in contemporary Cree society.

In traditional bush life the Cree communicated in numerous ways, including the marking of trees. By such means, information could be transmitted as to the location of the sender, the number of persons in his group, where they had been and where they were going, and any difficulties they may be encountering. Elberg & Salisbury (1976) provided the following explanation about this form of communication:

...if the top of the tree was somehow broken or defaced, it indicated that there had been a tragedy in the group, either illness, death, or some other misfortune. The prominence of the sign indicated its urgency.

The person encountering such a message had to interpret its content. To estimate how recent the sign was, meant considering the weathering of the sign, the amount of resin flow, etc. The figures of numbers of persons and their direction of provenance could provide a good guide as to which hunting group was involved, to a reader who knew how large each group was and where it was wintering. To confirm that the message had been read, and to guide future readers, the hunter crossing the trail would make his own mark, of two poles set at an angle, one of them upright. The spread of the poles indicated the angle between the reader's path and the original one (pp.105-106).

Information was also conveyed from group to group through the re-allocation of individuals from one hunting group to another, sometimes as the result of marriage, and through annual reunions at trading posts or fishing areas (ibid, p.10).

As Roth & Valaskakis (1989) stated, the introduction of mass media into the northern regions of Canada including James Bay was done without the participation of the Cree or other Aboriginal peoples: Early broadcasting undertakings in the North, including the Frontier Coverage Package, the development of Anik satellite distribution, and the CBC's Accelerated Coverage Plan, all resulted from federal decisions made without consultation with native people" (p.224). Cree broadcasting came into effect with the establishment of CBC Northern Quebec Service in 1979, followed by the incorporation of the James Bay Cree Communications Society in 1981. JBCCS has



delivered Cree radio programming since 1985 via satellite from its production centre in Mistissini, initially through a distribution agreement with CBC and presently by means of its own radio network. CBC Cree programming also continues to provide radio programming to the Cree territory. Community radio stations also exist in each of the nine Cree communities. In addition to the existing radio services, Beesum Communications publishes a bi-weekly magazine, the *Nation*, with the Cree communities as its primary target audience. Beesum is a majority Cree-owned operation with its production office in Montreal. It provides both printed and multi-media services such as design, pre-press, printing, research, writing, editing, proof-reading, translation (English, French, Cree), photography, illustration, CDROM and website design and production (Industry Canada website). The *Nation* first appeared in 1993 and has become one of the main news sources for the Cree of *Eeyou Istchee*. The publication derives most of its revenues through advertising and is distributed free to the Cree communities. It is sold in some locations outside the communities and also by subscription.

It was assumed at the outset of the research for this thesis that the *Nation* had been a major source of information and influence on the Cree population with regard to the Agreement. The questionnaire results indicated it was about equal in influence to JBCCS regional radio and community radio, and slightly more influential than mainstream media and CBC Cree radio. However, since the question asked pertained to “the most influential source of information” including ‘the consultation tour’ and ‘family and friends,’ these last two sources of information were deemed to be more influential than any of the media. The ‘consultation tour’ got the most responses at 25%, compared to ‘family &

friends' at 22%, 'JBCCS regional radio' at 8%, 'community radio' and 'the *Nation*' tied at 7%, 'mainstream media' at 5%, and 'CBC Cree radio' at 3%.

Community radio stations transmitted information on the *Paix des Braves* but did seemingly little editorializing on the subject. According to veteran broadcaster Luke McLeod (personal communication, November 27, 2006) from Mistissini, that community's local radio station, CINI-FM, did perhaps one or two interviews on the Agreement. The Cree leadership made documentation available just prior to their consultation tour; therefore, Cree broadcasters, like individual Cree people, had little time for in-depth analysis.

The *Nation* not only provided coverage of the debate surrounding the agreement but was an active participant in it. Its November 2, 2001 edition was headlined *Saviours or Sellouts?* It became increasingly critical of the Cree leadership's handling of the AIP, from the time of its announcement through to the referendum and afterwards, but the magazine did provide opportunity for divergent views on matters relating to the issue.

The *Nation* has been a mixed blessing for Cree politicians and administrators. It has been both an important means of getting their messages out to the people and a critical observer of their decisions and actions. At times it has been deliberately kept at a distance. Editor-in-chief, Will Nicholls, reported on such an experience in the November 30, 2001 edition as the AIP debate was intensifying:

It's tough being a reporter at times. Take November 14<sup>th</sup> when I was kicked out of a Grand Council/CRA council/board meeting. I was told it was a public meeting by one of the secretaries but in sitting in I found I was being ousted because I was media. I told them I was there as a James Bay Cree beneficiary but was told that I still represented the Nation and had to leave. (*Nation*, vol.9, no.1, Nov.30, 2001, p.3).

Nicholls also asserted, "...in-camera sessions should be used as seldom as possible and not as a convenient way to dismiss the media" (ibid).

As for former Grand Chief Moses' view of the *Nation*, he said he can claim that the *Nation* supported the opposition without any hesitation. When asked whether a distinction could be made between their editorial position and their reporting, he responded it applied to both. JBCCS with its capacity to broadcast to all Cree communities made it possible to have all the debates broadcast to all the Cree communities. Moses said this allowed everyone to hear all the same issues at the same level without distortion. He said the local radio stations were very cooperative: "Any announcements that we had to make, we were called upon maybe to do an interview on the local radio. We made it a point to be there as part of the communication with the people." He stated that whereas the *Nation* provides a written form of communication for the Cree, when it comes to advocating as opposed to reporting it becomes a problem. He asked: "What is your interest in that? Is your interest not to report to the people as accurately and as fairly as possible? ...research all the information?... which doesn't always happen" (personal communication, June 21, 2007).

In response to a question on the role of the media in issues such as the *Paix des Braves*, Chief John Kitchen replied that the media sometimes can play a role but it all depends on who they support. In his estimation, they will give good coverage to those they support and bad coverage to those they do not support. He felt that former Grand Chief Ted Moses had gotten bad coverage although he had done a very good job overall (personal communication, December 1, 2006). It is assumed that Chief Kitchen was referring to the *Nation* since it seems unlikely that any of the radio services would be

considered to have given Moses “bad coverage.” The *Nation*’s editorial position was clearly anti-AIP and probably what most people retained from their reading of it. It is questionable whether most people made a distinction between the magazine’s editorial position and its coverage. The main criticisms from the *Nation* pertained to the secrecy surrounding discussions with the Quebec government and lack of consultation with the Cree population, the limited time frame for discussion of the AIP that arguably did not allow proper assessment of its merits or drawbacks, and the proposed diversion of the Rupert River.<sup>62</sup>

One research participant was disapproving of the role of media with regard to the Agreement, stating: “If you look at the non-Native media, there’s so much emphasis on the project. The *Nation* was bashing the leadership, and the local media have no clue what’s going on... The end result is intimidation because people feel they should know what to do.” She was particularly harsh on the *Nation*, saying she didn’t even pick up the publication<sup>63</sup> because she didn’t like their approach. She called it negative, adding: “They’ll end their research at all the crap they can find.” She conceded that the *Nation* did provide an outlet for people concerned about the land, but added: “At the same time, you don’t just publish everything and anything. A lot of it was personal attacks” (personal communication, confidential).

Robert Kitchen (personal communication, January 10, 2007) made the point that within a context of rapid social change technology has changed how people want to present themselves. There can be little doubt that the Cree self-image has aligned itself with mainstream sensibilities with regard to style and dress, particularly among the

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<sup>62</sup> Both *Rupert River* and *Rupert’s River* are common usage.

<sup>63</sup> The *Nation* is distributed free of charge in the Cree communities. Its revenues are derived from advertising.

younger population. Yet, as much as mainstream influences have become integrated into Cree society, there is still a desire to remain distinctly Cree. It is mainly the Cree language and the relationship to the land that defines that distinctiveness for most Cree. Some consider *Creeness* as something inherent, something that cannot be eroded by changing circumstances. This is, of course, an essentialist view of identity. Though I do not share this perspective, I recognise its importance for those who do. What stories the Cree will tell in the future and what form those stories will take depends on the choices made today and in the years to come.

As important as language and communication were to the Cree people with regard to the *Paix des Braves*, time seems to have been an even more important factor. When asked to prioritise ‘language,’ ‘lack of information,’ and ‘lack of time’ as “the biggest problem in understanding the Agreement,” ‘lack of time’ headed the list most often at 41%, followed by ‘lack of information’ at 32%, and ‘language’ at 11%. A total of 16% of respondents did not answer this question. One research participant commented, with good reason, that this was a leading question as it assumed a problem in understanding. That there was a sense of lack of time to decide on the *Paix des Braves* among a large segment of the Cree population relates directly to communication within their society. This widely held perception arguably stemmed from the valuing of consensus. Consensus has been an important means of discussion and decision-making within traditional Cree society, as previously considered. Although some may argue about the impracticality of Cree decision-making through consensus, given the growing population and its increasing diversity, there is still strong resistance to a simple 50% + 1 system of democracy. The collective will has traditionally been more important than that of the

individual. The idea of majority rule is arguably a foreign concept to the Cree. In the bush, consensus has been a matter of survival. It is perhaps useful at this point to recall Philip Awashish's view of consensus as, not whole-hearted agreement by all but, a decision everyone can live with (personal communication, March 27, 2007). This implies not having one's views and concerns dismissed because they are a minority, but having these considered and respected in whatever decision is ultimately arrived at. I believe that it was this sense of dismissal, by way of democratic process, that most upset the Cree. It was felt even by many who supported the *Paix des Braves*. This is how I interpret the fact that even though research participants who supported the Agreement through the referenda outnumbered those who did not by a ratio of 13: 9, almost twice as many respondents did not approve of the leadership's communication with regard to the Agreement as those who did.<sup>64</sup> In addition, more respondents viewed the so-called consultation tour as a means of convincing them to support the Agreement than as a means of involving them in the decision-making process.<sup>65</sup> Even if people supported the Agreement, they did not approve of a process that they deemed unfair to those who did not. This is made obvious in the overwhelming number of responses that the process was not fair to the opponents of the *Paix des Braves*, keeping in mind once again that more respondents indicated they had voted for the Agreement than against it.<sup>66</sup> I began my research wondering why the *Paix des Braves* had been such a *hot issue* for the Cree. On

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<sup>64</sup> Twenty-six per cent of participants indicated they voted in favour of the *Paix des Braves*, and 18% voted against it. The remaining 56% did not declare. Twenty-five per cent of participants approved of leadership communication pertaining to the Agreement, and 59% did not. The remaining 16% did not declare.

<sup>65</sup> Forty-six per cent of respondents considered the leadership's purpose through the consultation process was to convince them to accept the Agreement, 36% indicated it was to let the people decide, and 18% did not indicate. Former Grand Chief Ted Moses confirmed that the tour did not change anything substantial about the Agreement.

<sup>66</sup> Twenty-six per cent of respondents indicated that opponents of the Agreement were given a fair opportunity to express themselves, while 58% indicated they were not; 16% did not answer.

the basis of my findings, I conclude that the Cree reacted most strongly to the process in which the Agreement was decided and communicated to the people. The Cree people are not prepared to accept simple majority democracy at the expense of consensus, and consensus cannot be viewed simply as agreement among the leaders. The people are willing to be part of the process in order to arrive at mutually agreeable solutions, but they are not willing to have their opinions or those of others disregarded simply because they are in the minority. Communication, as has been argued, is social practice and as such is linked to values and social organisation. These are in a constant state of flux and will undoubtedly continue to be contested ground.

#### 4. Review of Findings

In this chapter, I shall review my methodology, revisit some of the questions raised at the beginning of this thesis, and consider what light my analysis can shed on these issues.

Although revealing difficulties encountered in the writing of a thesis may make one feel somewhat vulnerable, it is hoped that divulging the following information may be helpful to others engaging in that process. The thesis content was reorganised a number of times before the final format was adopted. It had been determined early on in the process of writing this thesis that organisation and power, discourse and communication, and values and ethics were three major areas of interest. Therefore, in earlier drafts the section on analysis was divided according to these three categories. Also, the section on organisation and power contained a sub-section on the hunting society. That seemed logical given the historical significance of hunting in Cree society. Initially, that structure seemed to work and I was able to enter information in each of the areas. However, as I accumulated more data through interviews and questionnaires and as I began focusing more on analysis, the problem of my thesis structure became obvious. I was attempting to make a case for analysing the connections between three areas of interest yet I was compartmentalising them. Where were those connections to be made? Similarly with the sub-section on the hunting society, how could the significance of this important activity be analysed in relation to Cree society as a whole if it were presented in isolation? The approach finally adopted was to organise the analysis around key themes that emerged from an overview of the research material. The themes around



which the analysis was conducted are stated at the beginning of each sub-section of section 3.2 Contextualising Cree Responses to the *Paix des Braves*.

In keeping with this non-polemicist approach, there was no interest in setting up individuals within the Cree leadership, past or present, within a perspective of opposition to the population at large. Nonetheless, the role of the Cree leadership was analysed in terms of its discursive and non-discursive practices. Although Cree leaders and administrators are perhaps under more pressure than the population at large to function within the norms and practices of mainstream society, it does not seem particularly useful or constructive to conceptually set them up in opposition to the rest of the Cree population although others may do so. Interviews conducted for the purposes of this thesis with present and past Grand Chiefs, present and past community Chiefs, and administrators of various departments or programs revealed an awareness and concern among the individuals in those positions of the conflicting societal pressures at the heart of this research. Therefore, in terms of methodological approaches toward Cree responses to the *Paix des Braves*, it is arguably more constructive to consider the individuals within these positions from an inclusive perspective than to set them apart. The challenges for Cree leaders and administrators are the same as for the Cree population at large. It is a matter of dealing with the social realities of the moment within a context of encroaching mainstream influences.<sup>67</sup> Differences of opinion on how these concerns should be addressed are varied and diffuse, both among the leadership and the population at large, and cannot be reduced to a division between the two. Therefore, making such a

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<sup>67</sup> My interest in mainstream influences was limited to how these are contextualised within Cree society. Attempting to analyse mainstream political, economic, or social developments outside of this framework would have detracted from the main focus of this thesis, Cree responses to the *Paix des Braves*.

distinction on the basis of occupying a political leadership or administrative position would have seemed artificial.

The question of balance as an important traditional Cree value emerged from the analysis of Cree responses to the *Paix des Braves*. I also, in the writing of this thesis, attempted to find a balance amid the varying opinions and concerns expressed by Cree research participants. What became more and more obvious as a result of my analysis was that defining Cree identity and purpose has become an increasingly difficult balancing act both collectively and individually. Cree responses to the *Paix des Braves* may merely be part of that process of re-evaluating and committing to one's sense of what it means to be Cree in today's world. In view of existing opposing views on the matter, I suspect many Cree will feel I either understated their case or overstated that of people with opposing views. As long as that view is equally shared, I will settle for that kind of balance. What are some of the concepts and meanings that are currently contested within Cree society? Some that have emerged from this thesis research are: communication, culture and identity, progress and development, and best interest.

The main issues pertaining to communication emergent from this study were the prioritising of personal communication over mediated communication, and the importance attached to transparency and consensus. The role of Cree media appears to have been much less significant in determining how people would vote in the community referenda than had been assumed at the outset of this thesis research. The *Nation* magazine, in particular, had been thought to be a major influence. This research indicated that its influence was about equal to that of the JBCCS regional radio network

and the community radio stations.<sup>68</sup> In responding to the questionnaire, about “the most influential source of information,” the ‘consultation tour’ and ‘family and friends’ were selected most often, and on an almost equal basis, as the number one choice. It is assumed that the reason for the high importance attributed to the consultation tour is that the Cree people saw this as their opportunity to participate in a consensual process of decision-making. The high level of dissatisfaction with the consultation process discerned from interviews, focus groups, and questionnaire comments can perhaps be attributed to a sense that the tour had no direct influence on the Agreement as such. . . . When asked whether the main goal of the Cree leadership in carrying out the consultation tour had been ‘to let the people decide’ or ‘convince the people to accept the Agreement,’ 36% chose the former answer and 46% the latter. This perception was confirmed as being accurate in former Grand Chief Moses’ statement that the tour had not changed anything about the content of the Agreement.

The matter of consensus ties in with the question of who gets to define the terms that are important for the Cree. This was a key issue and one that was likely at the heart of the controversy over the Agreement, particularly the process leading up to its approval. Traditionally, the people as a whole would have determined how matters were to be understood and acted upon within Cree society. In the matter of the AIP, the terms of the Agreement had already been decided when it was presented to the Cree population. Former Grand Chief Moses stated that nothing from the consultation tour changed the Agreement per se and that the purpose of the tour was essentially to inform and assuage

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<sup>68</sup> The *Nation* was selected by 7% of respondents as “the most influential source of information” on the *Paix des Braves*. Other media included JBCCS at 8%, community radio at 7%, CBC Cree radio at 3%, and mainstream media at 5%. The consultation tour was chosen by 25% of respondents, closely followed by ‘family and friends’ at 22%. The remaining 22% selected ‘other’ or did not declare.

the people. He did state, however, that with a majority no vote, there would have been no mandate to sign the Agreement.

Former Grand Chief Moses stated that when consensus is not possible, then democracy comes into play. He also said that, in his opinion, 50% plus one vote would have been sufficient to win approval for the AIP through the community referenda. It is unclear at this point whether or to what extent democracy will replace consensus for the Cree in the future. However, in making important decisions in the future, it may be necessary to rethink the implications of “voting with your feet,” as one participant had put it.

The question of secrecy in negotiating the Agreement was perceived by some as necessary to prevent the AIP from being scuttled by opponents and media. It was perceived by others as deceitful or lacking in trust. Moses defended the right of a leader to lead without being told where to go. He also maintained that there was consensus at the time of the signing of the AIP. What was being interpreted as consensus was that there had been no formally expressed opposition at the Council Board level when the AIP was presented. Others took a much broader perspective of what constituted consensus, interpreting it as broad support from the whole population.

The research findings of this thesis indicated there was a widely held perception that consensus was lacking as to whether there was a Cree will to sign the Agreement with the government of Quebec. This was shared by many who nonetheless expressed support for the Agreement itself. This issue did not end with the signing of the *Paix des Braves*. Some suggested that a lesson has been learned from this experience and that consensus is still very much alive, some of these people adding that the Cree will be more

involved in such decisions in the future. Others have contended that consensus within a growing and increasingly diverse population is becoming impracticable. Democracy, not consensus is the way of the future according to some. As seen in the previous chapter, however, this is far from being the generally accepted view among the Cree. Perhaps most encouragingly for some, talk of a representative Cree parliament that would look beyond treaty implementation and business interests may be viewed as a new approach to leadership and organisation. Such a system could arguably better protect Cree interests.

On the basis of the research findings for this thesis, culture is still talked about with deference even by those who appeal for a need to compromise and adapt to mainstream influences. As has been elaborated, how *elders* and *the land* are conceptualised is very much a part of this discourse of respect. Some research participants insisted, however, that matters of culture and identity are individual matters and seemed to want to remove these from questions of collective consciousness and decision-making.

It is difficult to assess the significance of language in this analysis of Cree responses. Responses are not only verbal and, alternatively, not only expressed through non-verbal responses but also at times through non-action. One may wonder how many Cree actually “voted with their feet” and how many of these did so through protest or non-comprehension of the Agreement. Trying to determine this would probably be a huge research challenge as it seems unlikely that most of these people would be willing to divulge or explain their thoughts or actions –or lack of action, to be more precise- in such circumstances.

Recognition by the larger society was deemed important by some and tied into their sense of identity. Others argued that the more their rights were being defined, the more they were being confined. One's position on the importance of interacting with mainstream systems of governance and law undoubtedly would influence one's opinion on the importance of lawyers and consultants for the Cree. Some believe that their expertise is required to help the Cree navigate through various legal complexities. Others expressed the opinion that they have too much power and influence over Cree decision-making.

Also in relation to mainstream society, there was disagreement as to whether or not a more conciliatory approach with Quebec would be beneficial to the Cree. Some expressed hope and confidence in the expressions of partnership and harmonisation as expressed in the Agreement. The question of whether or not the Agreement can in fact be a harmonious partnership may depend largely on how the Agreement is implemented and on whether or not Cree interests can be given equal prominence to those of Quebec. Some of the initial observations on this front raise concerns about the day-to-day applications of the Agreement. Those among the leadership who expressed confidence in the conflict-resolution mechanisms appeared to take comfort in the belief they have high-level access to the Quebec government. However, not all issues can be resolved by showing up at the Premier's office and in the meantime many smaller issues may be resolved in the interest of the government and of industries.

Some articulated distrust of the government's intentions and concern about having to give up too much, particularly the Rupert River. The matter of the damming of the Rupert River was a major issue. Ted Moses agreed with the expressed opinion that this

was the toughest issue for most people. Some questioned the need to give up another river if the *Paix des Braves* was, as some stated, essentially the implementation of Section 28 of the JBNQA. When that point was raised with Moses, he responded that there was no 3.5 billion dollars in Section 28 of the JBNQA. The financial benefits then, it would seem, had been the prime factor in agreeing to the *Paix des Braves*. This leads to the next point of contention, whether or not there would have been better ways to take care of economic needs. Some had proposed such means as eco-tourism and smaller scale, less environmentally harmful, energy development such as wind power. The arguments against this were that they could never amount to the financial benefits of the *Paix des Braves* and that the damming of the Rupert River was an improvement over the NBR project envisaged in the JBNQA and then shelved as a result of this Agreement.

As for the notions of *progress* and *development*, these seemed difficult to reconcile within a more traditional worldview. Those who prioritised the subsistence lifestyle over economic concerns were less likely to even use the terms, and if prompted to do so would likely define them with regard to younger generations embracing established values and traditions. These concepts were more readily articulated by supporters of the Agreement and often used as a rationale for supporting compromise or adaptation to mainstream influences or, as one participant put it, “how the world is” (personal communication, confidential).

One situation of compromise that is becoming increasingly uncomfortable for many Cree is the heightened visibility of a non-Cree presence in many parts of *Eeyou Istchee*. This has been attributed to Bill 40 and MBJ.<sup>69</sup> The significance of that law and that governing body could soon overshadow the importance of the *Paix des Braves* for

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<sup>69</sup> See Section 3.2.5 of this thesis on Bill 40 and MBJ.

the Cree. I learned about both of these through this research process. Bill 40 was passed around the same time as the *Paix des Braves* but with little fanfare. It gives extensive powers to MBJ to accelerate mainstream development within Eeyou Istchee Category 2 and 3 lands as specified within the JBNQA. These lands are supposed to be a shared responsibility according to the JBNQA but MBJ has apparently pushed forward very aggressively in making its presence felt. At the time of this writing, I have heard unsubstantiated claims that the Cree leadership may be preparing a legal challenge against MBJ. This leaves one wondering about the viability of the Cree leadership's wish, at the time of the AIP consultations, to avoid further confrontation and court challenges. Category 2 and 3 lands were supposed to be managed jointly under a proposed James Bay Regional Zone Council as specified in the JBNQA. There were apparently a few meetings long ago to launch this council but it seems it never got off the ground. Perhaps re-activating the council would be a way to make sure the initiatives of MBJ within *Eeyou Istchee* are counter-balanced by those of the Cree.

There were both similarities and differences in how Cree participants articulated notions of best interest for the Cree. One noted similarity was that many people expressed this notion in relation to children and future generations. Some even made the argument that those who are closest to the traditional ways, the elders, were willing to accept new developments such as the *Paix des Braves* because they wanted what was best for future generations. Others argued for the need to protect the land and the rivers for the same reasons. Often, notions of best interest were articulated within an essentialist or totalising discourse that made it difficult, if not impossible, to find a middle-ground position.



In considering the effectiveness of my research methodology, it seems the most productive sources of information were the interviews. Participants, for the most part, welcomed the opportunity to present their perspective on the *Paix des Braves* and its implications for the Cree. The interviews also provided information I had not obtained elsewhere. For example, it was through interviews that I first learned about Bill 40 and the powers it imparted to MBJ over the Cree territory. This could be a major issue for the Cree in coming years and one that should be the subject of future research. Given the time constraints for the completion of this thesis, too much time and effort was allocated to the setting up of a web site and the preparation and distribution of questionnaires. Only a few questionnaires were completed on-line and the questionnaires drew me toward a degree of quantitative analysis, something with which I was never truly comfortable. However, authors such as Gaskell (2000) and Creswell (1998) helped me integrate these quantitative elements into my qualitative research by suggesting that the focus should be not on numbers but on emerging themes. Therefore, this is how I approached the analysis of the questionnaires as seen in the Analysis section and subsections. My initial reasoning for using questionnaires was to reach a broader base of Cree respondents so that my research would be more representative. However, given the difficulties in getting people to complete questionnaires, I would propose the use of more focus groups for that purpose. The reason only two focus groups were conducted was that the distribution and gathering of questionnaires consumed most of my time when I was doing research in the communities. Without the questionnaires, more individual interviews and focus groups could have been carried out. The establishment of these focus groups would likely have been time-consuming as well since I also experienced

some difficulty in setting these up. Nonetheless, focus groups would perhaps be more productive than questionnaires overall since it appears that many Cree people are more comfortable with oral communication than with written communication. I believe a key element in getting Cree participation is the involvement of community members.

Whatever success I did have in doing the research in the communities was mostly due to the help I received from people living in the communities. In Mistissini, I attempted to function mostly on my own and although I did obtain a few interviews I was unable to set up a focus group and got a return of only 3 questionnaires from the 100 distributed. Most of these questionnaires were handed out in self-addressed, stamped envelopes.<sup>70</sup> In Waswanipi, my son and daughter who live in that community helped find people willing to complete a questionnaire or participate in the focus group. Getting inside help seems crucial to the success of research in the Cree communities. These are some of the lessons learned.

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<sup>70</sup> My visit to Mistissini was just before Christmas. Someone from the community told me they had heard someone comment that the stamps would come in handy for mailing Christmas cards. At the time, I thought it was a joke but given the outcome one is left to wonder.

## 5. Conclusion

The question I first set out to answer was: Why was the *Paix des Braves* such a *hot* issue? Postmodernist and Foucauldian concepts were utilised to answer this because of their potential to open up discursive spaces and possibilities of social action that may not have emerged through other research methodologies. In the Conceptual Framework, I explained what constitutes such an approach, what contribution it makes to social discourse, and how it differs from other research approaches. The implications of theorising on the basis of such concepts and how communication is conceptualised within such an approach were further considered with regard to the methodology and analysis

I initially had a general sense that the strong Cree responses to the AIP had to do with conflicting cultural values, and that there was an important communication aspect to it. That last assumption was based on my observation of a seemingly uncharacteristic lack of consensus on this issue. But beyond those initial impressions, what insights did my research provide on the subject matter, and what conclusions can I draw from my observations and findings?

My research approach made it possible to consider a controversial issue for the Cree in a way that would not deepen division and resentment by picking sides. It did not conceptually position Cree leaders in opposition to the people. It was respectful of various concepts of meaning and truth without accepting any of these as definitive meaning or truth. Communication, as Foucault stated, does not transcend the social but constructs its own intelligibility through its organised and organising practices (Foucault, 2006, p.188; pp.102-103). In conceptualising various social practices under the umbrella

of *communication*, one may be providing an apparent unity to practices that are significantly different. My view of communication, in keeping with Grossberg (1997), is that it must be understood contextually.

Communication, in keeping with Grossberg (1997), was perceived as various social practices that have been conceptualised as a whole. In order to understand communication from this perspective it was important to focus on those various practices. There are communicative aspects to matters of social organisation, leadership and decision-making, and values and ethics.

As analysed, these communicative practices differ between the traditional subsistence lifestyle of the Cree and the contemporary settings in which they find themselves. Traditional communicative practices are based on communal rather than individual values and interests. Within a holistic worldview, these may not even be conceptualised as communication, but could just as easily be thought of as being linked to spirituality or survival. For example, the concept of *four wind persons* as explained by Feit (1989), links men and animals to the spirits and God. From a Western perspective, this could be viewed as communication but for the Cree, it is just as much about spirituality and their place in the universe.

Changes in communicative practices are gradual and linked to changes in other aspects of society. As the forces of “progress and development” are increasingly exerted on the Cree, the people are struggling to position themselves within this new reality and to find a way to articulate it. There are disjunctures, in Appadurai’s (1993) terms, between the Cree economy, culture, and politics stemming from the current global economy. These disjunctures are at odds with a more unified traditional Cree

worldview, and the Cree are presently “living the disjuncture” (Lorna Roth, personal communication). My focus on the genealogy, or emergence, of social and communicative practices leads me to conclude that by way of their responses to the *Paix des Braves*, the Cree were articulating a need to find a balance among the various influences they are experiencing as individuals and as a society. Some have stated that finding such a balance is an individual matter, but it is arguably also a societal matter. In the past, such issues were dealt with collectively, as in the case of the JBNQA of 1975. It is my contention that the majority of Cree would have preferred a collective response to the *Paix des Braves* as well, and that a great deal of the discomfort experienced by a large number of Cree stemmed from a sense they had been deprived of that opportunity.

Grossberg (1997) argued that existing intersubjective concepts of communication are unable to confront the transcendental nature accorded to it. These concepts include communication as sharing, emergence, or constitution. Though Grossberg may oppose notions of transcendence, such beliefs are commonplace for the Cree. Although it is difficult to imagine *communication* as a concept within a traditional, holistic Cree worldview, it is likely understood as sharing within contemporary Cree society. In traditional Cree society, sharing meant survival. Sharing is still a deeply rooted value for many, and perhaps most, Cree people. It is a value that not only pertains to the distribution of tangible goods but also to ideas, a sense of being and doing, and a sense of purpose. Arguably, it is their sense of having been deprived of an opportunity to share in the deliberations and decision-making on the *Paix des Braves* that troubled many Cree.

My research results indicate that of those who indicated how they voted in their community referendum, a greater number voted in favour of the Agreement than against

it. Yet, most of these were displeased with how the leadership communicated with the Cree population and with the opportunity given to opponents to express their ideas. This result can also be viewed as relating to a sense of sharing, in a broad sense. Consensus is about sharing; sharing ideas and suggestions until a resolution everyone can live with can be found. In the case of the *Paix des Braves*, consensus was being defined by the leadership as agreement, or lack of formal opposition, on the part of Council Board members; and even that is contested. Some did accept the leadership's explanations for the need for secrecy in negotiating with Quebec, and the need for a quick response. Still, it is likely these factors that created the strong response.

Another question that was considered was how notions like *culture* and *progress* are understood and articulated in Cree society, for what purposes, and with what effect. The concept of *culture* is often used in relation to the subsistence-based lifestyle, although there are arguably more recent social practices -e.g., hockey, music- that could be considered part of Cree culture. *Progress* is often used to rationalise, and sometimes acclaim, the integration of market economy systems and values within Cree society. It is my view that these terms, although they need not be, are sometimes used in a controlling manner. This occurs when one's concept of *culture* is held up as a model for everyone else to follow, or when one's notion of *progress* is used to dismiss the importance others may attribute to tradition. In either case, totalising and essentialist conceptualisations of Cree people and their reality make it difficult to find a discursive space within which social challenges can be considered. A postmodernist view, on the other hand, does not consider Cree identity or purpose as pre-determined but amenable to action.

The concepts that have guided this thesis evidently extend beyond its stated parameters. Certain theorists that have been major influences on the likes of Foucault (1997, 1998, 2000), Deleuze (1988), and Lyotard (1984, 1988) may not be overtly alluded to in this thesis but their ideas are nonetheless present, even if indirectly so. One such example is Nietzsche whose concept of genealogy was adopted and modified by Foucault. The reasons for not including Nietzsche are that I did not consider myself sufficiently knowledgeable of his complex and contradictory works, and a framework consisting of notions from the aforementioned three theorists was already challenging enough. Certain postmodernists such as Derrida and Baudrillard were also not included for the same reason, although arguably their influence is felt in the general tone and spirit of the writing. The intent, in any case, was not to present a comprehensive postmodernist perspective on the subject matter but to conduct a case study based on certain key notions, many of these Foucauldian. Works by Creswell (1998), Gaskell (2000), and Gaskell & Bauer (2000) provided additional notions on how to implement these Foucauldian and postmodernist ideas within a qualitative, contextual case study of Cree responses to the *Paix des Braves*.

Having established such a framework, I was perhaps overly reluctant to incorporate authors or ideas that were in any way at odds with my chosen key theorists. My main concern was that I did not want to contradict my own arguments and positions. Perhaps with a greater degree of confidence in navigating through these differences, I would have been more willing to consider and elaborate them. One such example is Habermas. Undoubtedly, Habermas' works have been highly influential within academia and have dealt with matters of communication more extensively than Foucault, but

having aligned myself with Foucault I found it difficult to reconcile myself with Habermas on a number of points. To begin with, his perception of communicative relations is arguably “utopian,” as Foucault (1994) and others have suggested (p.298). It is indeed difficult to imagine a situation in which truth, however one may define it, could circulate freely without constraints. It is a view that presents power as something necessarily negative and something from which it is necessary to break free. Yet how can one imagine a society without power relations? From this perspective, I found it difficult to identify with Habermas’ concept of an ideal speech situation and found it more revealing to focus on the genealogy of the power-knowledge relationship. It did not seem particularly useful to me either to conceptualise Cree society in terms of *public* and *private* spheres. Cree people still interact with their leaders on a first-name basis and there is, in my opinion, such a strong sense among the Cree of being one big extended family that there is resistance to institutionalising formalities that would put their leaders or administrators within a “public sphere.” Nonetheless, there are aspects of Habermas’ work I may have been able to explore further. For example, Carsten Stahl (2004, August) pointed out that both Habermas and Foucault were interested in the concept of “discourse” but that each interpreted the term in keeping with their respective languages. The common usage of the term in English also differs somewhat from both French and German. The Latin root of the term, *discurrere*, means “to run apart.” The French “le discours” is less formal than the English term, and the German “diskurs” is even more formal than the English term. Therefore, Habermas’ and Foucault’s understandings of the terms were not identical (pp. 4329-4330). What perhaps would have been most interesting for me to explore with Habermas is the ethical aspect of communicative



action, and how respect enters into it (ibid, p.4330). In finally answering the question that first emerged for me with regard to the subject matter of this thesis - i.e. why is the *Paix des Braves* such a hot issue for the Cree? – the matter of respect seemed to be central to that answer. The Cree reacted strongly to the process in which the Agreement was decided and communicated to the people because they felt excluded; some even felt disrespected. Perhaps that aspect of Habermas' theory would have enriched my analysis.

Both supporters and opponents of the Agreement articulated what they considered to be in the best interest of the Cree. As stated, this was often done on the basis of such concepts as *progress* or *culture*. In considering what defines the best interests of a people, it may be useful to consider a quote from the Massey Report of 1949-1951. The social context within which that study on broadcasting in Canada in the mid-twentieth century emerged was quite different from that of the Cree and the *Paix des Braves* at the turn of the twenty-first century. Yet, a common element in both situations was an attempt to find the right balance between what can broadly be defined as cultural and economic interests. In a market economy system, valuing and defending a nation's interests in economic terms is a *normal* concept. From a *cultural* perspective it is equally if not more important to consider to what social ends money will be used. As the Massey Report states: "It would be paradoxical to defend something which we are unwilling to strengthen and enrich, and which we even allow to decline"(Massey, 274).

Trying to find the right balance in all things has long been a Cree preoccupation. It is perhaps the one notion most Cree have agreed upon concerning the *Paix des Braves*. What kind of balance will be achieved within Cree society in that regard in the future remains to be seen. It will remain a challenge for the Cree as a nation and for all Cree

individuals. It will also depend on the choices they make and the actions they take.

Arguably, a people can be defined not by some innate nature but by what they do. I

concur with the following statement by Stuart Hall:

People are not irrevocably and indelibly inscribed with the ideas that they *ought* to think; the politics that they *ought* to have or not, as it were, already imprinted in their sociological genes. The question is not the unfolding of some inevitable law but rather the *linkages* which, although they can be made, need not necessarily be (Hall, in Curran et al, 1996, p.16).

The non-essentialist nature of this statement is in keeping with Foucauldian and postmodernist thought in that it suggests, applied to the context of this thesis, that “what it means to be Cree” is not genetically pre-determined and unalterable. In referring to the linkages that can but need not be made, Hall emphasised the idea that although people may be pre-disposed to certain attitudes, thoughts, and behaviours, they are not pre-determined by them. Nor are these pre-dispositions guaranteed to last over time. I think one of the great strengths of postmodernist and Foucauldian thought is the view, shared by Hall, that people must actively establish what it means to be who they are; it is not a given. And people establish who they are through a network of social practices, including communicative ones. In keeping with Foucault (1997, 1998, 2000) and Grossberg (1997) my view on all aspects of human nature, including communication, is one that rejects any transcendence of the social. Communicative practices are understood here as social formations that need to be viewed contextually. As has been seen through the analysis of Cree responses to the *Paix des Braves*, the communicative practices that are emerging are linked in complex and various ways to other social practices and values. The Cree are trying to find the right means and the right terms to articulate their present-day reality, to express the right balance for themselves among diverse and conflicting influences. For

some, this has meant finding strength, meaning, and identity in a traditional, holistic, and spiritual relationship to the land; and for some of these, it has been impossible to rationalise the damming of a river in terms of economic advantages. Others have totally immersed themselves within a discourse of progress and development; and for them, the Cree are simply evolving. I would suggest that most, however, are in the troublesome middle-ground of conflicting thoughts and feelings about what they have been experiencing as a people. If asked to articulate these thoughts and feelings, some will resort to totalising or essentialist notions, be they about nature or money. Rapidly changing modes of leadership, organisation, and communication within Cree society, and the necessity to interact with mainstream governments, administrations, industries, and individuals have left little time for introspection for the Cree about how and what they communicate. My purpose, in this thesis, has been to shed some light on the genealogy of these communicative practices and in so doing encourage the Cree to continue actively establishing who they are. The choice is ultimately theirs.

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**Appendix A**  
**The “Paix des Braves” Agreement<sup>71</sup>**

**AGREEMENT CONCERNING A NEW  
RELATIONSHIP**

**BETWEEN**

**LE GOUVERNEMENT DU QUÉBEC**

**AND**

**THE CREES OF QUÉBEC**

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<sup>71</sup> This appendix does not include schedules or complementary agreements due to space constraints. The Agreement is available on-line at [http://www.saa.gouv.qc.ca/relations\\_autochtones/ententes/cris/entente-020207\\_en.pdf](http://www.saa.gouv.qc.ca/relations_autochtones/ententes/cris/entente-020207_en.pdf)



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**AGREEMENT CONCERNING A NEW  
RELATIONSHIP**

**Between:**       **LE GOUVERNEMENT DU QUÉBEC**,  
represented here by Mr. Bernard Landry, Prime  
Minister of Québec, by Mr. Gilles Baril, Minister of  
State for Natural Resources and Regions, Minister of  
Natural Resources, Minister of Regions, Minister  
responsible for the Development of Northern  
Québec, and by Mr. Rémy Trudel, Minister of State  
for Population and Native Affairs, Minister for  
Native Affairs, herein designated "Québec".

**And:**           **THE CREES OF QUÉBEC**, acting through the  
Grand Council of the Crees (Eeyou Istchee) and the  
Cree Regional Authority, represented here by Mr.  
Ted Moses, Grand Chief and Chairman respectively,  
and by Mr. Edward Gilpin, Chief of the Eastmain  
Band and by Mr. Paul Gull, Chief of the Waswanipi  
Band, hereinafter referred to as "the Crees".

**WHEREAS** the parties enter hereby into a nation-to-nation Agreement which strengthens the political, economic and social relations between Québec and the Crees, and which is characterized by cooperation, partnership and mutual respect, while remaining based on the respective commitments of the parties under the James Bay and Northern Québec Agreement and providing for implementation measures in connection therewith;

**WHEREAS** this Agreement, concerning a global approach in favour of greater autonomy and greater responsibility on the part of the Crees for their development, will make possible an active and ongoing participation by the Crees in economic development activities on the James Bay Territory;

**WHEREAS** this Agreement is based on a development model which relies on the principles of sustainable development, partnership and respect for the traditional way of life of the Crees, as well as on a long-term economic development strategy, principles which are in conformity with the provisions of the James Bay and Northern Québec Agreement;

**WHEREAS** this Agreement promotes the emergence of a Cree expertise in the field of economic development, job creation, and economic spin-offs for the Crees and the population of Québec in general;

Agreement Concerning a New Relationship /2

**WHEREAS** this Agreement does not contemplate and does not affect the obligations of Canada towards the Crees stipulated, among others, in the James Bay and Northern Québec Agreement.

**THE PARTIES AGREE TO THE FOLLOWING:**

Agreement Concerning a New Relationship /3

**Chapter 1 – DEFINITIONS**

For the purposes of this Agreement, and unless otherwise expressly provided or indicated by the context, the following words and phrases mean:

- 1.1 "*Cree Regional Authority*" or "*CRA*": the public corporation duly constituted as such under Chapter 89 of the Statutes of Québec 1978, now R.S.Q., chapter A-6.1 ("*Administration régionale crie*" ou "*ARC*").
- 1.2 "*Financial Year*": the period between April 1st of a calendar year and March 31st of the subsequent calendar year ("*Année financière*").
- 1.3 "*Cree Entity*": the Grand Council of the Crees (Eeyou Istchee), the Cree Regional Authority (including when acting through the Board of Compensation thereto), the James Bay Eeyou Corporation, the Opimiscow Compane, the Sakami Eeyou Corporation, the Oujé-Bougoumou Development Corporation, the Oujé-Bougoumou Eenouch Association, the Cree Trappers' Association, the Cree Outfitting and Tourism Association, the Cree Native Arts and Crafts Association, the Cree Development Corporation, the Cree villages, the Cree landholding corporations, as well as any other Cree controlled corporation, enterprise or legal entity referred to in the James Bay and Northern Québec Agreement or created pursuant to the James Bay and Northern Québec Agreement, any Complementary Agreement thereto, or any other Agreement between Québec or Canada and any Cree Band, the Grand Council of the Crees (Eeyou Istchee) or the Cree Regional Authority ("*Association crie*").
- 1.4 "*Cree Bands*": the Cree Nation of Chisasibi, the Whapmagoostui First Nation, the Cree Nation of Wemindji, the Eastmain Band, the Waskaganish Band, the Nemaska Band, the Waswanipi Band and the Cree Nation of Mistissini, respectively constituted as corporations by the *Cree-Naskapi (of Québec) Act*, S.C. 1984, c. 18, as well as the collectivity of the Crees of Oujé-Bougoumou ("*Bandes cries*").
- 1.5 "*Forestry Board*": the Cree-Québec Forestry Board created pursuant to Chapter 3 of this Agreement ("*Conseil Cris-Québec sur la foresterie*").
- 1.6 "*James Bay and Northern Québec Agreement*" or "*JBNQA*": the Agreement approved, given effect and declared valid by the *James Bay and Northern Québec Native Claims Settlement Act* (Chapter 32 of the Statutes of Canada, 1976-77) and by the *Act approving the Agreement concerning James Bay and Northern Québec* (L.Q., 1976, chapter 46) and as amended by certain complementary agreements ("*Convention de la Baie James et du Nord québécois*" ou "*CBJNQ*").
- 1.7 "*Crees of Oujé-Bougoumou*": the collectivity composed of persons identified as affiliated to the community known as Oujé-Bougoumou, and including persons enrolled or entitled to be enrolled as Cree beneficiaries under the James Bay and Northern Québec Agreement, and acting through the Oujé-Bougoumou Eenouch Association until such time as the Oujé-Bougoumou Band is constituted as a corporation under the *Cree-Naskapi (of Québec) Act* and, thereafter, the Oujé-Bougoumou Band ("*Cris d'Oujé-Bougoumou*").

Agreement Concerning a New Relationship /4

- 1.8 "Crees" or "James Bay Crees": the persons eligible pursuant to paragraphs 3.2.1, 3.2.2 and 3.2.3 of Section 3 of the James Bay and Northern Québec Agreement, including the Crees of Oujé-Bougoumou ("Cris" ou "Cris de la Baie James").
- 1.9 "*Agreement on the Implementation of the Memorandum of Understanding*" or "*Implementation Agreement*": the Agreement on the Implementation of the Memorandum of Understanding of May 23, 1995 signed March 27, 1998 between Québec and the Grand Council of the Crees (Eeyou Istchee) ("Entente de mise en oeuvre du Protocole d'entente" ou "Entente de mise en oeuvre").
- 1.10 "*Cree Enterprise*": a Cree Band, or any Cree Entity, or any unincorporated business belonging to a James Bay Cree as well as any corporation in which one or more James Bay Cree, Cree Band or Cree Entity, or any trust, foundation or fund instituted for the benefit of any one or more of the aforementioned, holds fifty per cent (50%) or more of the voting shares or a sufficient participation to appoint the majority of directors; as well as any partnership, joint venture, non-profit corporation or other enterprise or legal entity in which one or more James Bay Cree, Cree Band or Cree Entity, or any trust, foundation or fund instituted to the benefit of any one or more of the aforementioned, holds directly or indirectly a controlling interest, as well as any affiliate controlled by any such corporation, partnership, joint venture, non-profit corporation or other enterprise or legal entity ("Entreprise crie").
- 1.11 "*Hydro-Québec*": the corporation duly incorporated under the *Hydro-Québec Act* (R.S.Q., chapter H-5) ("Hydro-Québec").
- 1.12 "*Business Day*": a day on which banking activities can take place in Québec ("Jour ouvrable").
- 1.13 "*Le Complexe La Grande (1975)*": the hydroelectric development set out in paragraph 8.1.2 of the James Bay and Northern Québec Agreement as amended by Complementary Agreements nos. 4, 7 and 11 ("Le Complexe La Grande (1975)").
- 1.14 "*Eastmain 1-A/Rupert Project*": the partial diversion of the Rupert River towards the Eastmain 1 reservoir and the reservoirs of LG-2, LG-2A and LG-1, with or without the addition of a new Eastmain 1-A powerhouse near the Eastmain 1 site, including an East-West access road from the existing Muskeg substation to the Eastmain 1 site, the whole in substantial conformity with the Cramoisie (2001) variant as described in the Boumhounan Agreement between Hydro-Québec and the Grand Council of the Crees (Eeyou Istchee) [GCCEI] and the CRA ("Projet Eastmain 1-A/Rupert").
- 1.15 "*EM 1 Project*": the EM 1 project set out in paragraph 8.1.2 of the James Bay and Northern Québec Agreement ("Projet EM 1").
- 1.16 "*Memorandum of Understanding*" or "*MOU*": the *Memorandum of Understanding* of May 23, 1995 between Québec and the Crees ("Protocole d'Entente").
- 1.17 "*Québec*": le Gouvernement du Québec ("Québec").

## Agreement Concerning a New Relationship /5

- 1.18 "*Recipient of Funding*": a limited partnership or Québec resident trust which may be designated by the Grand Council of the Crees (Eeyou Istchee) before March 31st, 2002 in order to receive the annual payment of Québec set out in Chapter 7 of this Agreement in whole or in part or, failing such designation, the Cree Regional Authority. This designation may be modified by the Grand Council of the Crees (Eeyou Istchee) every five (5) years ("Récipiendaire du financement").
- 1.19 "*Cree Development Corporation*" or "*CDC*": the Cree Development Corporation referred to in Chapter 8 of this Agreement ("Société de développement crie" ou "SDC").
- 1.20 "*Société de développement de la Baie James*" or "*SDBJ*": the corporation established pursuant to the *James Bay Region Development Act* (R.S.Q., c. D-8) ("Société de développement de la Baie James" ou "SDBJ").
- 1.21 "*Société d'énergie de la Baie James*" or "*SEBJ*": the company contemplated by section 39.1 of the *Hydro-Québec Act* (R.S.Q. c. H-5) ("Société d'énergie de la Baie James" ou "SEBJ").
- 1.22 "*Cree Category IA lands*": the Category IA lands within the meaning of Section 5 of the JBNQA and subsection 2(1) of the *Cree-Naskapi (of Québec) Act*, S.C., 1984, c. 18 ("Terres crie de Catégorie IA").
- 1.23 "*Cree Category IB lands*": the Category IB lands and Special Category IB lands under the meaning of Section 5 of the JBNQA and of section 19 of the *Act respecting the Land Regime in the James Bay and New Québec Territories* (R.S.Q., c. R-13.1) ("Terres crie de Catégorie IB").
- 1.24 "*Territory*": the territory contemplated by the James Bay and Northern Québec Agreement. For the purposes of chapter 3 of this Agreement, the "*Territory*" shall have the meaning set out in section 3.3 of this Agreement. For the purposes of chapters 4, 5 and 7, the term "*Territory*" shall be the territory defined in subparagraph 22.1.6 of the JBNQA and the territories of the Mistissini and Whapmagoostui trapping areas located North of the 55th parallel as described in Schedule 1 of Section 24 of the JBNQA.

Nothing in this definition shall be interpreted as reducing, enlarging or otherwise affecting the territorial application of the rights of the Crees or of any other aboriginals under the terms of the JBNQA or otherwise. This definition is for the purposes of this Agreement and does not modify the definition of Territory provided in paragraph 22.1.6 of the JBNQA for the purposes of Section 22 of the JBNQA ("Territoire").

## Agreement Concerning a New Relationship /6

**Chapter 2 -- GENERAL PROVISIONS**

- 2.1 Both the Cree Nation and the Québec Nation agree to place emphasis in their relations on those aspects that unite them as well as on their common desire to continue the development of Northern Québec and the selffulfilment of the Cree Nation.
- 2.2 The Cree Nation must continue to benefit from its rich cultural heritage, its language and its traditional way of life in a context of growing modernization.
- 2.3 This Agreement marks an important stage in a new nation-to-nation relationship, one that is open, respectful of the other community and that promotes a greater responsibility on the part of the Cree Nation for its own development within the context of greater autonomy.
- 2.4 Québec will promote and facilitate the participation of the James Bay Crees in forestry, hydroelectricity and mining development in the Territory through partnerships, employment and contracts.
- 2.5 This Agreement has the following purposes:
  - a) The establishment of a new nation-to-nation relationship, based on the common will of the parties to continue the development of the James Bay Territory and to seek the flourishing of the Crees and the Cree Nation within a context of growing modernization;
  - b) The assumption of greater responsibility on the part of the Cree Nation in relation to its economic and community development and, in so doing, the achievement of increased autonomy with a greater capacity to respond, in partnership with Québec, to the needs of the Crees;
  - c) The setting up of means in order to allow the parties to work together in regard to the development of mining, forestry and hydroelectric resources in the Territory for the period of application of this Agreement;
  - d) The settlement, with discharges identified in this Agreement, for the period of application of this Agreement, of the provisions pertaining to the economic and community development of the Crees found in the provisions of the JBNQA identified in this Agreement (as amended as the case may be by Complementary Agreements thereto), including the nature, scope and implementation of Québec's commitments in this respect;
  - e) The definitive settlement or the withdrawal of the legal proceedings opposing the Crees, Québec and SDBJ in accordance with the provisions of the present Agreement and the establishment of a process to resolve the legal proceedings opposing the Crees, Hydro-Québec and the SEBJ;
  - f) The consent of the Crees to the carrying out of the Eastmain 1-A/Rupert Project;
  - g) To facilitate the construction of the EM 1 Project.



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- 2.6 The parties agree to Complementary Agreements to the James Bay and Northern Québec Agreement, the texts of which are attached to this Agreement as Schedule A.
- 2.7 Québec undertakes to submit to and to recommend to the National Assembly the special legislation relating to this Agreement and the amendments to its laws of general or specific application in order to ensure their coherence with this Agreement and the attached Complementary Agreements. A non exhaustive list of laws so amended and a brief description of certain amendments are set out in Schedule B hereof. Québec will consult the Cree Regional Authority in respect to the legislation to be recommended prior to the submission thereof to the National Assembly.
- 2.8 The provisions of the James Bay and Northern Québec Agreement and of the existing agreements and existing financial arrangements will continue to apply in the absence of indications to the contrary in this Agreement. It is noted in particular that Québec will continue to fund for the Crees, pursuant to the provisions of the James Bay and Northern Québec Agreement, its share of the services and fixed assets stipulated in the James Bay and Northern Québec Agreement, including but not limited to:
- a) health care and social services;
  - b) education services;
  - c) income security programs, including the income security program for Cree hunters and trappers;
  - d) public security and administration of justice;
  - e) the Hunting, Fishing and Trapping Coordinating Committee and environmental committees.
- 2.9 Without limiting in any way the previous provisions and simply for greater certainty, Québec further confirms that nothing contained in this Agreement shall prejudice, detrimentally affect or restrict the rights of the James Bay Crees as set out in paragraphs 2.11, 2.12 and 28.1.1 of the James Bay and Northern Québec Agreement. Consequently, Québec will maintain for the James Bay Crees access to regular programs subject to the usual application criteria of these programs.
- 2.10 This Agreement does not contemplate and does not affect the obligations of Canada towards the James Bay Crees including those stipulated in the James Bay and Northern Québec Agreement.

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### **Chapter 3 – FORESTRY**

#### **GENERAL PROVISIONS**

- 3.1 The Québec forestry regime will apply in the Territory in a manner that allows:
- a) adaptations to better take into account the Cree traditional way of life;
  - b) greater integration of concerns relating to sustainable development;
  - c) participation, in the form of consultation, by the James Bay Crees in the various forest activities operations planning and management processes.
- 3.2 The forestry regime, as adapted, applicable in the Territory will respect The principles set out in the *Forest Act* (R.S.Q., c. F-4.1 as amended by S.Q., 2001, c.6), in the JBNQA, and those set out herein.

#### **TERRITORY OF APPLICATION**

- 3.3 The parties agree that the present adapted forestry regime shall apply to the Territory indicated on the map attached as Annex C-1, within the boundaries of the JBNQA Territory.

#### **ADAPTATIONS TO AND EVOLUTION OF THE FORESTRY REGIME**

- 3.4 The provisions of this Agreement regarding forestry have, among other things, the objective of establishing an adapted forestry regime which will fix particular rules and procedures applicable to the Territory to meet the goals of improved taking into account of the hunting, fishing and trapping activities of the Crees and improved conciliation of forest activities with such Cree activities.
- 3.5 Subject to adaptations and modifications resulting from the adapted forestry regime for the Territory, Québec's forest standards apply in the Territory. Such adaptations and modifications shall not be interpreted so as to restrict or limit these standards.
- 3.6 The forestry regime applicable in the Territory will evolve over the duration of this Agreement taking into account the principles set out herein and the recommendations of the Cree-Québec Forestry Board.

**MODALITIES OF THE ADAPTED FORESTRY REGIME****3.7 Limits of the territorial reference units and use of ecological data**

- 3.7.1 For the territory referred to in section 3.3 of this Chapter, traplines will be used as a basis for delimiting the territorial reference units (UTR). Given the current configuration of the common areas, however, some traplines may fall into more than one UTR. For the next general management plans which will be configured on the basis of the new management units (by September 1st, 2002 at the latest), the UTR boundaries must correspond to the boundaries of one trapline.
- 3.7.2 The Cree Regional Authority will be responsible for specifying the boundaries of Cree traplines within the Territory to a scale of 1:20,000 before April 1st, 2002. The trapline boundaries will be identified solely for the purposes of applying the adapted forestry regime including the determination of the UTRs.
- 3.7.3 During the transitional period from April 1st, 2002, to the adoption of the next generation of general forest management plans (April 2005), the ministère des Ressources naturelles (MRN) will take appropriate steps to ensure that the relevant data are compiled for each Cree trapline so as to be able to integrate into the annual forest management plans the terms and conditions stipulated in sections 3.9, 3.10, 3.11, 3.12 and 3.13 of this chapter.
- 3.7.4 The ecological data available for the designation of the biophysical components of those areas will be used as a basis for the technical analysis in order to guide the development of the management strategies to be favoured.

**3.8 Determination of the new management units**

- 3.8.1 The calculation of the annual allowable cut will be determined on the basis of the new management units which will, in principle, be made of groupings of traplines. These management units will be determined in technical discussions carried out jointly by the Crees and the MRN. The objective is to determine various groupings of three (3) to seven (7) complete traplines, with modulations when necessary.
- 3.8.2 The new management units shall be made of groupings of traplines that are, as far as possible, contiguous and in a single block, allowing for exceptions. In establishing these groupings, the following criteria will also be taken into account:
- a) the host community and/or the kindred relationship of the tallymen and the Cree users of the traplines;
  - b) the key historical and ecological factors;

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c) forest structure factors, to improve the distribution of age categories;

d) the temporary delimitation proposed as the northern limit.

- 3.8.3 Some traplines can only be partially included in a management unit because they are situated on the border of the northern limit of the commercial forest and/or are partially within Category I lands. In these cases, a trapline equivalence value will be applied. In order to do so, the basis applicable will be the proportion of the trapline that can be included in the management unit in relation to the total area of the trapline. On this basis, one finds the sum of the fractions of included traplines to determine the equivalence value. Thus, three traplines of which only a third of the area can be included in a management unit will be considered as the equivalent of a single complete trapline for the calculation of the number of traplines in a management unit.
- 3.8.4 The annual allowable cut will be calculated and revised in a way that incorporates the rules established in this chapter.
- 3.8.5 In the event that a modification of the northern limit would require a modification of the groupings of traplines which form the new management units as determined jointly by the Crees and the MRN, the parties must proceed jointly to determine new groupings in conformity with the previous provisions, and the other provisions of this chapter shall apply in these territories.
- 3.8.6 Upon signing the Agreement, a provisional Cree-Québec working team shall be constituted to determine the limits of the new management units.
- 3.8.7 The provisional Cree-Québec working team shall make a proposal concerning the limits on or before March 31st, 2002. The proposal shall be the object of public consultations by the Ministre des Ressources naturelles.
- 3.8.8 The result of this consultation will be examined by the provisional Cree-Québec working team.
- 3.8.9 The new management units shall be determined jointly by the provisional Cree-Québec working team before September 1st, 2002. The Ministre des Ressources naturelles shall approve the new management units and shall notify the agreement holders in conformity with the *Forest Act*. The final determination of the new management units must be in accordance with the principles and criteria of the present section.

### 3.9 Sites of special interest to the Cree - Identification of sites of interest to the Cree

3.9.1 Sites of interest will be identified and mapped by the Crees, in cooperation with the ministère des Ressources naturelles. In most cases, the total area of these sites will not exceed 1% of the total area of a trapline included in a management unit.

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No forest management activities may be undertaken in these areas unless the tallyman agrees otherwise. In such cases, specific measures of protection and standards of forest management aimed at satisfying the specific needs of the Cree users will be agreed through the joint working group of each community concerned.

#### 3.9.2 Sites of interest may include, notably, the following:

- a) Permanent camps;
- b) Seasonal camps;
- c) Traditional, cultural and sacred sites;
- d) Burial sites;
- e) Fruit picking areas;
- f) Archaeological sites;
- g) Sites with archaeological potential;
- h) Extension of protective strips;
- i) Portage trails;
- j) Bear dens;
- k) Waterfowl blinds;
- l) Drinking water supply sources;
- m) Other requests.

### 3.10 Sites of special interest to the Cree - Conservation of forested areas presenting wildlife interest for the Cree

- 3.10.1 Specific management standards will be applied to maintain or improve the habitat of very important wildlife species (moose, marten, beaver, hare, fish, caribou, partridge) and portions of each trapline will benefit from specific protection to improve the level of harmonization between forest management activities and traditional activities including hunting, fishing and trapping.
- 3.10.2 The location of these areas of wildlife interest will be under the direct responsibility of the tallyman, in a spirit of cooperation with other stakeholders on the Territory. The boundaries of the areas of special interest may be identified on the basis of data similar to that collected in regard to the "Cree land use and identification" (1986) or on the basis of a new analysis that will identify certain parts of watersheds that are particularly productive or intensively used by the Crees. The surface area of these sites of wildlife interest will in principle cover 25% of the productive forest area of each trapline included in a management unit without exceeding this percentage of 25%.
- 3.10.3 Within the selected areas, forest management activities will be planned with the priority goal of maintaining and improving a diversity of ecoforest stands, in terms of plant species, age classes and spatial distribution. In the long term, this planning approach should provide a diversity of age classes similar to the structure of a "standard" forest. The current structure of the forests in the Territory is not as diversified and is likely to remain at this level for several decades. With this in mind, it is possible to intervene in order to rejuvenate certain stands while still maintaining productive habitats throughout these areas of particular interest to Cree families.
- 3.10.4 The following measures will be applied in order to reach a better balance in the mid term:

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- a) Only mosaic cutting should be applied in these areas, unless better techniques are developed to protect wildlife habitats.
- b) The terms and conditions set out in Schedule C-2 are applied with the following amendments:
  - i) at least 50% of the productive area with stands over seven (7) meters in height must be left standing, including at least 10% in forests over ninety (90) years old;
  - ii) the location of the residual forest blocks to be preserved is decided by the agreement and contract holders in cooperation with the tallyman;
  - iii) the blocks must be spread over the area in such a way that they are interconnected. Where necessary, breaks in the cover should not be more than thirty (30) meters wide;
  - iv) the residual forest must be left standing for a period long enough to allow the regeneration to reach a minimum average height of seven (7) meters.
- c) The annual rate of harvesting authorized in forested areas presenting wildlife interest to the Cree will be modulated according to the level of prior disturbance in each trapline. In a trapline where the level of disturbance in the last twenty (20) years is less than 15%, new logging activities may be carried out over an annual maximum of 4% of the productive area of the forested areas presenting wildlife interest in the trapline. The annual percentage should be reduced to 3% when the overall level of disturbance is between 15% and 30%, and to 2% when the overall level of disturbance is between 30% and 40%.

**3.11 Maintaining forest cover in the whole of each trapline**

- 3.11.1 The following measures will be taken to ensure the protection of a residual forest cover:
  - a) conservation, per trapline, of a minimum of 30% of the productive surface area composed of stands measuring more than seven (7) meters in height;
  - b) logging will not be permitted in traplines that have been logged or burnt over more than 40% of their productive surface area in the last twenty (20) years;
  - c) carry out mosaic cutting with protection of regeneration and soils (CPRS). The target level would be 75% as of April 1st, 2004 (see the definition of mosaic cutting in Schedule C-2);

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d) limit to a maximum of one hundred (100) hectares the size of a single-block cutting area in sectors where cutting with separator strips will be carried out. In addition, 40% of the total logged area must be composed of blocks of less than fifty (50) hectares;

e) modulate the annual level of authorized timber harvesting in each trapline according to the level of previous disturbances:

- In the areas subject to a first phase of harvesting, the traplines where the level of disturbance in the last twenty (20) years is less than 15% should be subject to CPRS up to an annual maximum of 8% of the productive forest area. This annual percentage would be reduced to 6% when the disturbed area is between 15% and 30%. It would fall to 4% annually when the level of disturbance is between 30% and 40%.

- In traplines that were subjected to intensive logging more than twenty (20) years ago, the annual admissible cutting level will be reduced. Thus, traplines where the level of disturbance in the last twenty (20) years is less than 15% should be subject to CPRS over an annual maximum of 5% of their productive areas. This annual percentage would be reduced to 3% when the disturbed area is between 15% and 30%. It would fall to 2% when the level of disturbance is between 30% and 40%;

f) protect tall regeneration, where the situation allows;

g) use silvicultural practices that foster the maintenance of diversified habitats, in particular by avoiding the elimination of hardwood trees (see Schedule C-3);

h) develop a separate forest management approach for mixed stands (see Schedule C-3).

### **3.12 Protection of forests adjacent to watercourses and lakes**

3.12.1 A twenty (20) meters wide protective strip on each side of all permanent watercourses and around lakes shall be maintained.

3.12.2 In order to address concerns related to the maintaining of a variety of wildlife habitats near major rivers: along rivers more than five (5) meters wide, a forest strip more than two hundred (200) meters wide will be maintained along one of the banks. Whenever possible, cutting areas should be distributed alternatively along the two banks of such rivers. Therefore, only mosaic cuttings can be authorized within the two hundred (200) meters band along the banks of such rivers.

3.12.3 To preserve the aesthetic appearance of landscapes along the shore of large lakes with a surface area of more than five square kilometers (5 km<sup>2</sup>), only mosaic cuttings will be allowed in forests that are visible from the shores of the lake, for a distance of one point five kilometer (1.5 km).

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**3.13 Development of the road access network**

3.13.1 To facilitate the harmonization of the various uses of the Territory, the road network development plan must be subject to concerted action between the agreement holder and the tallyman responsible for each trapline.

Due consideration shall be given to:

a) limit the number of road connections between two traplines. In this spirit, road junctions must be planned in such a manner as to form closed circuits that do not permit easy passage to the roads of neighbouring traplines. The construction of winter roads may also be encouraged in areas where limiting connections are desirable;

b) limit the construction of new direct access routes from forestry roads to permanent watercourses and lakes except for the construction of bridges and culverts;

c) prior to approval, submit the *Plans régionaux de développement des terres publiques* (PRDTP) to the joint working groups in a sufficient and reasonable time prior to approval for their considerations and comments according to their mandate as defined in the present Agreement.

3.13.2 Prior to the adoption of the first *Plan régional de développement des terres publiques* for the Nord-du-Québec region, the Ministre des Ressources naturelles undertakes to consult the Cree Regional Authority regarding all applications for a private vacation lease situated in the Territory. The Cree Regional Authority shall have a maximum of sixty (60) days from receipt of the application to make its comments to the Ministre des Ressources naturelles.

3.13.3 Moreover, Québec undertakes to promote the holding of a coordination table with various governmental bodies and the Crees in order to identify and circumscribe issues concerning access to the Territory. The coordination table will report to the Standing Liaison Committee established in Chapter 11 of the Agreement prior to April 1st, 2003.

**IMPLEMENTATION MECHANISMS**

3.14 Two (2) levels of intervention are provided for: a) the Cree-Québec Forestry Board; and b) the joint working groups.



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**CREE-QUÉBEC FORESTRY BOARD**

- 3.15 The parties agree to the creation of the Cree-Québec Forestry Board with the purpose of permitting a close consultation of the Crees during the different steps of planning and managing forest management activities in order to implement the adapted forestry regime.
- 3.16 The Cree Regional Authority and Québec shall each appoint five (5) members to the Cree-Québec Forestry Board. In addition, a Chairperson shall be appointed to the Cree-Québec Forestry Board by le Gouvernement du Québec upon recommendation of the Ministre des Ressources naturelles.
- 3.17 Before recommending to le Gouvernement du Québec a person to be appointed as Chairperson of the Cree-Québec Forestry Board, the Ministre des Ressources naturelles must consult with the Cree Regional Authority on possible candidates in order to reach a joint recommendation.
- 3.18 Failing a joint recommendation by the Ministre des Ressources naturelles and the Cree Regional Authority on a candidate for Chairperson of the Cree-Québec Forestry Board, the Ministre:
- a) must submit a candidate to the Cree Regional Authority which will have a delay of thirty (30) days to accept or refuse to agree to the appointment;
  - b) in case of refusal by the Cree Regional Authority, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the minister must submit another candidate to the Cree Regional Authority which will again have a delay of thirty (30) days to accept or to refuse to agree to the appointment;
  - c) in case of a second refusal by the Cree Regional Authority, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the minister must submit another candidate to the Cree Regional Authority which will again have another delay of thirty (30) days to accept or refuse to agree to the appointment;
  - d) in case of a third refusal by the Cree Regional Authority, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the minister may either continue submitting other candidates to the Cree Regional Authority, though not obliged to do so, or recommend another candidate to le Gouvernement du Québec for appointment as Chairperson of the Cree-Québec Forestry Board.
- 3.19 Unless the Cree Regional Authority and Québec agree otherwise, the Chairperson of the Cree-Québec Forestry Board may not be employed by le Gouvernement du Québec or a Crown corporation and cannot have a financial interest in, or be an employee of, any forestry enterprise having interests in the Territory.

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- 3.20 The members appointed by the Cree Regional Authority and Québec shall be appointed and replaced from time to time at the discretion of the respective appointing party. The Chairperson shall however be appointed for a fixed term not exceeding three (3) years. The term of the Chairperson is not renewable unless the Cree Regional Authority and Québec agree otherwise. At the end of his mandate of three (3) years, the Chairperson shall remain in office until the appointment of his successor, who shall be appointed within twelve (12) months from the end of his mandate.
- 3.21 The Vice-Chairperson of the Cree-Québec Forestry Board shall be appointed by the members of that Board from among those members appointed by the Cree Regional Authority.
- 3.22 The Chairperson, or any member designated by him in his absence, presides over the meetings.
- 3.23 Quorum at meetings of the Cree-Québec Forestry Board shall be a majority of its members insofar as at least three (3) members appointed by the Cree Regional Authority and three (3) members appointed by Québec are present.
- 3.24 A member of the Cree-Québec Forestry Board may, upon his appointment, execute a written proxy in the form provided by the Cree-Québec Forestry Board in favour of the other members, including their replacements, appointed by the party that appointed the member executing the proxy. The holder of such a proxy has the right to vote and otherwise act in the place of the absent member from whom the proxy has been obtained, in addition to the voting and other rights that member holding the proxy is entitled to exercise in his own right.
- 3.25 The members appointed by the Cree Regional Authority may be accompanied at meetings of the Cree-Québec Forestry Board by up to two (2) technical advisors who will have the right to address the Cree-Québec Forestry Board and participate in its deliberations but who will not have the right to vote. The members appointed by Québec may also be accompanied by up to two (2) technical advisors under the same conditions.
- 3.26 All decisions at the Cree-Québec Forestry Board shall be made by a majority of the votes cast. Dissents by Board members shall be recorded and reported.
- 3.27 The Cree-Québec Forestry Board shall meet at least six (6) times each year unless its members decide otherwise. Such meetings will be held regularly in the Territory. The Board may hold its meetings elsewhere in Québec if necessary.
- 3.28 A secretariat is hereby created for the needs of the Cree-Québec Forestry Board. The secretariat is located in Waswanipi. The Ministre des Ressources naturelles shall make available to the secretariat all relevant and available information required for the adequate execution of its mandate and operations.

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- 3.29 The Cree-Québec Forestry Board may establish and adopt by-laws regulating its own internal operations, including notice and place of its meetings and other matters relating to the administration of the Cree-Québec Forestry Board. Such by-laws must be in conformity with the provisions of this Chapter and will be subject to the approval of a majority of members appointed by the Cree Regional Authority and a majority of members appointed by Québec.
- 3.30 The Cree-Québec Forestry Board shall have the following main responsibilities:
- a) to monitor, analyse and assess the implementation of the forestry provisions of this Agreement which contemplate an adapted forestry regime for the Territory;
  - b) to recommend to the parties, as the case may be, adjustments or modifications to the forestry provisions of this Agreement;
  - c) to bring to the attention of the *Ministre des Ressources naturelles* proposals, preoccupations and comments related to laws, regulations, policies, programs, management guides and field guides related to forestry as well as guidelines, directives or instructions related to the preparation of all forest management plans;
  - d) to review the implementation mechanisms for the joint working groups regarding the elaboration, the consultations, and the monitoring of all forest management plans applicable in the Territory;
  - e) to be involved in the different planning processes of forest management activities in the Territory and to participate in the different stages of the management of forest activities, in particular those connected to the review of the general forest management plans prior to their approval as well as in regard to proposed modifications to those plans. The Board will have one hundred twenty (120) days from the receipt of the general plans and ninety (90) days from the receipt of the modifications to make comments to the *Ministre des Ressources naturelles* prior to the approval of the plans or modification thereto; the *Ministre des Ressources naturelles* may extend these timeframes if he considers it appropriate;
  - f) to study the annual forest management plans after their approval, which plans shall be sent to the Cree-Québec Forestry Board on demand in order that it may make known to the *Ministre des Ressources naturelles*, as the case may be, proposals, concerns and comments regarding these plans, and particularly in regard to systemic issues concerning these plans or the process of their elaboration or approval;
  - g) any other responsibilities in regard to forestry which may be assigned to it from time to time jointly by the parties.

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- 3.31 The Ministre des Ressources naturelles shall consider the comments and views of the Cree-Québec Forestry Board and shall provide information about his position or, as the case may be, about the main reasons justifying his decision.
- 3.32 The Cree-Québec Forestry Board must produce and submit to the parties an annual report.

**JOINT WORKING GROUPS**

- 3.33 Joint working groups at the community level are hereby established in each Cree community.
- 3.34 After the signature of the Agreement, a joint working group composed of four members will be established for each Cree community affected by forest management activities.
- 3.35 Two members of the joint working group shall be appointed by each Cree community according to the method of selection of its choice. Two members of the joint working group shall be appointed by the Ministre des Ressources naturelles.
- 3.36 The Cree members and the Québec members shall be appointed and replaced from time to time at the discretion of the respective party.
- 3.37 Each joint working group may adopt any internal operating rule that is consistent with its mandate.
- 3.38 If the parties so agree, the number of members of the joint working groups may be modified to take into account the particular circumstances of each community.
- 3.39 Each party shall identify one representative who shall be responsible for ensuring the smooth progress of the work.
- 3.40 In all cases in which the joint working groups make recommendations, they may be unanimous or not. In the latter case, the respective positions of the members of the joint working groups shall be sent to the Ministre des Ressources naturelles and to the Cree-Québec Forestry Board.
- 3.41 The joint working groups have the following mandate:
- a) to integrate and implement the specific rules agreed upon in this Chapter;
  - b) when required, to elaborate harmonization measures flowing from the technical provisions of this Chapter;
  - c) to ensure that each party places all relevant and available forestry-related information at the disposal of the other party;
  - d) to review conflictual uses in order to find acceptable solutions;
  - e) to discuss any technical issues, including the acquisition of knowledge considered necessary by the joint working group;

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- f) to ensure the implementation of the processes relating to the preparation, consultation and monitoring of the forest management plans;
- g) to adopt internal operating rules.
- 3.42 In all cases in which the Ministre des Ressources naturelles receives recommendations from the joint working groups, he must take into consideration the recommendations of the joint working groups, of their members and of the conciliator appointed pursuant to Schedule C-4, he must explain his position and must inform the joint working groups of his reasons for not accepting the recommendations or corrections sought, as the case may be.
- 3.43 The ministère des Ressources naturelles shall provide the Cree members of the joint working groups with the necessary and available ecological and forestry information as well as the data from the forest inventory (including data in digital format) and computer programs developed by and for the ministère des Ressources naturelles (for example, Sylva II) so as to allow them to perform their activities and mandates. This includes, among others, ecoforestry maps, silvicultural and ecological guides as well as the standards established by the ministère des Ressources naturelles in respect to forest management activities.
- 3.44 Each joint working group shall identify the relevant documents that shall be drafted and provided in terms and language understood by the Crees and the Cree communities. It is understood that, at the very least, the Cree section of the general forest management plans shall be entirely translated into English by the ministère des Ressources naturelles. Moreover, summaries of plans and documents deemed to be important by each joint working group shall be provided by the ministère des Ressources naturelles in English. To this end, the parties will agree during the implementation of the present adapted forestry regime on lists of documents that are deemed important and of summaries to be provided in English.
- 3.45 The joint working groups shall make the information they have available to the Cree tallymen as well as agreement holders for use in the process of elaboration, consultation and monitoring of forest management plans.
- 3.46 If so required by the Cree tallyman, the joint working groups shall take all necessary measures to protect the confidentiality of the information derived from Cree traditional expertise and may, at their discretion, establish a system of identification and protection of such information.
- 3.47 The stages of the elaboration, consultation and monitoring of forest management plans are described in Schedule C-4.

### FUNDING

The funding of the Cree-Québec Forestry Board and the joint working groups shall be as follows:

- 3.48 Each party shall assume the remuneration and the travel costs of its own members on the Cree-Québec Forestry Board.

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- 3.49 The remuneration and the expenses of the Chairperson of the Cree-Québec Forestry Board shall be assumed by Québec.
- 3.50 Each party shall assume the costs of the members of the joint working groups that they appoint.
- 3.51 For the period starting at the signing of the Agreement until March 31st 2003, Québec shall assume the administrative and secretarial costs of the Cree-Québec Forestry Board and the joint working groups for a total amount of two million dollars (\$2,000,000).
- 3.52 Thereafter, each party shall assume half the costs of the Cree-Québec Forestry Board and the joint working groups, being understood that the costs are presently estimated at a total of one million dollars (\$1,000,000) per Financial Year.
- 3.53 Québec shall assume the reasonable costs of providing the tools and the relevant and available information for the purposes of the application of the adapted forestry regime.

#### **EFFECT OF THE ADAPTED FORESTRY REGIME**

- 3.54 The adapted forestry regime shall not have the effect of modifying the boundaries of the Cree traplines. Furthermore, it shall not affect the hunting, fishing and trapping rights of the Crees provided for in the JBNQA for this Territory, including the harvesting rights provided for in Section 24 of the JBNQA.

#### **ACCESS TO FOREST RESOURCES**

- 3.55 Québec shall make available to the Cree Enterprises, five (5) years after the signature of this Agreement at the latest, an annual volume of three hundred fifty thousand (350,000) cubic meters of timber volume within the limits of the commercial forest situated in the Territory, south of the provisional northern limit in effect at the time of the signature of the Agreement.
- 3.56 This timber volume shall be allocated primarily by means of forest management agreements under the provisions of the *Forest Act*.
- 3.57 This timber volume shall be in addition to any forestry management operations on Cree Category IA and IB lands and in addition to the wood allocated to Nabakatuk Forest Products Inc. on the date of the signature of the present Agreement.
- 3.58 The distribution of these allocations will be determined by the Cree Regional Authority which will advise the Ministre des Ressources naturelles thereof.

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3.59 Québec undertakes to respect the following schedule for the allocation of this volume of timber:

a) during the course of the 2002 calendar year, Québec will make available to Cree Enterprises a minimum annual volume of seventy thousand (70,000) cubic meters. This minimum volume will continue to apply during the course of the 2003 calendar year;

b) by June 30th, 2004: Québec will make available to Cree Enterprises an additional minimum annual volume of fifty five thousand (55,000) cubic meters; for a total annual minimum volume of one hundred twenty five thousand (125,000) cubic meters. This minimum annual volume of one hundred twenty five thousand (125,000) cubic meters will continue to apply during the course of 2004 and 2005 calendar years;

c) during the course of the 2006 calendar year: Québec will make available to Cree Enterprises an additional annual volume which allows to reach the minimum annual volume of three hundred fifty thousand (350,000) cubic meters.

These minimum annual volumes are guaranteed.

#### **EMPLOYMENT AND CONTRACTS**

3.60 Québec will encourage forestry enterprises operating in the Territory to employ James Bay Crees in their forestry activities and to provide contracts to James Bay Crees and Cree Enterprises and will facilitate such employment and contracts by:

a) requiring such forestry enterprises to provide in their plans and forestry reports:

i) the number of Crees employed as well as the number of contracts concluded with Crees and Cree Enterprises;

ii) the employment and contract opportunities expected in the subsequent year;

b) providing such information to the Cree Regional Authority;

c) facilitating and encouraging forums and discussions between the James Bay Crees and the forestry enterprises operating in the Territory in order to review employment, contracts and partnership opportunities in forest activities.

#### **MUSKUCHII TERRITORY**

3.61 Considering the importance of the Muskuchii territory as expressed by the Crees, the boundaries of which appear in Schedule C-5, the Ministre des Ressources naturelles undertakes not to issue any annual management permits for the construction of forestry roads and harvesting of timber during the six month period following the signature of the present Agreement.

### Agreement Concerning a New Relationship /22

- 3.62 During this period, the Ministre des Ressources naturelles undertakes to evaluate the advisability of recognizing an exceptional forest ecosystem (EFE) within the territory of Muskuchii. Furthermore, the Crees will take steps with other departments and agencies of the Gouvernement du Québec with a view to ensuring a special status for Muskuchii and the application of other necessary measures.

### **FIREWOOD**

- 3.63 In order to respond to the needs of the Cree trappers for firewood, non-Aboriginal holders of permits delivered in virtue of the *Forest Act* shall not harvest firewood within an area of seventy-five (75) hectares surrounding each permanent Cree camp. It is understood that this measure shall apply outside of the area identified around each permanent camp as a site of special interest for the Crees.
- 3.64 In cases where there is no firewood available near the camp, firewood cutting areas covering seventy-five (75) hectares will be set aside and the ministère des Ressources naturelles will not deliver any firewood harvesting permits to non-Aboriginals within such areas.

### **AGREEMENTS WITH FORESTRY ENTERPRISES**

- 3.65 Nothing in this Agreement precludes or restricts agreements between Cree individuals or Bands and forestry enterprises.

### **CONFLICT AND INCOMPATIBILITY**

- 3.66 Subject to the provisions of the JBNQA, in the case of a conflict or incompatibility between the *Forest Act* and the regulations thereunder or any other related law and the present adapted forestry regime, the provisions of the adapted forestry regime shall take precedence to the degree necessary to resolve such conflict or incompatibility.

### **SCHEDULE**

- 3.67 Schedule C, which includes Part I (C-1), Part II (C-2), Part III (C-3), Part IV (C-4) and Part V (C-5), forms an integral part of this chapter.



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**Chapter 4 – HYDROELECTRICITY**

**GENERAL PRINCIPLES**

- 4.1 Hydroelectric development projects will continue to be subject to the applicable environmental legislation and to the applicable environmental and social protection regime stipulated in the James Bay and Northern Québec Agreement but subject to the provisions of Section 8 of the James Bay and Northern Québec Agreement.

**REMEDIAL WORKS, EMPLOYMENT AND CONTRACTS**

- 4.2 Québec will encourage and facilitate the signature of agreements between promoters and the Crees concerning remedial works, employment and contracts in respect to hydroelectric projects in the Territory.
- 4.3 Québec will ensure that Hydro-Québec encourage partnerships and joint ventures with Cree Enterprises and enter into agreements with the Crees concerning remedial works, employment and contracts resulting from its activities in the Territory.
- 4.4 The applicable parameters of construction contracts for the Crees and Cree Enterprises in regard to a specific hydroelectric project will be set out in separate agreements for each such project, being understood that these contracts shall be consistent with the proponent's usual requirements in regard to quality, costs and timelines.
- 4.5 Québec will adopt administrative measures, notably in collaboration with the Commission de la Construction du Québec, in order to facilitate the access by Cree workers to employment opportunities resulting from hydroelectric development in the Territory.
- 4.6 The agreements referred to in paragraphs 4.3 and 4.4 for the EM 1 Project and the Eastmain 1-A/Rupert Project are those referred to in sections 4.10 and 4.16 respectively.

**EM 1 PROJECT**

- 4.7 The parties acknowledge that the EM 1 Project described in the Nadoshtin Agreement referred to in section 4.10 of this Agreement, as a stand-alone project, substantially conforms to the EM 1 project as contemplated by paragraph 8.1.2 of the JBNQA, and, subject to the provisions hereof, the Crees consent to the construction of the EM 1 Project which may begin subsequent to the coming into force of this Agreement.

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- 4.8 Québec undertakes to implement the terms of Schedule 1 of the Nadoshtin Agreement.
- 4.9 Hydro-Québec will assume the costs of all remedial works required under government authorizations for the EM 1 Project.
- 4.10 Remedial works for the Crees, employment for Crees, contracts for Crees and Cree Enterprises and various other matters concerning the EM 1 Project are set out in a separate agreement between the Grand Council of the Crees (Eeyou Istchee) and Hydro-Québec executed contemporaneously with this Agreement and known as the *Nadoshtin Agreement*.

**EASTMAIN 1-A/RUPERT PROJECT**

- 4.11 In consideration of this Agreement, the Crees consent to the carrying out of the Eastmain 1-A/Rupert Project. This consent does not extend to any other project. The parties reserve their respective positions in regard to other projects, including their positions as to whether or not Cree consent is required for any specific project.
- 4.12 The Eastmain 1-A/Rupert Project will be subject to the applicable environmental legislation and to the environmental and social protection regime stipulated in Section 22 of the James Bay and Northern Québec Agreement according to the terms of that Section.
- 4.13 The parties will endeavour to harmonize insofar as possible the assessment processes applicable to the Eastmain 1-A/Rupert Project in order to avoid duplication. The parties will work together to ensure efficient and proper evaluations of this project.
- 4.14 The Crees will be directly involved and consulted in the technical description of the Eastmain 1-A/Rupert Project throughout the stages of feasibility studies and permit processes relating to this project.
- 4.15 Hydro-Québec will assume the costs of all the remedial works required under government authorizations for the Eastmain 1-A/Rupert Project.
- 4.16 Remedial works for the Crees, employment for Crees, contracts for Crees and Cree Enterprises and various other matters concerning the Eastmain 1-A/Rupert Project are set out in a separate agreement between the Grand Council of the Crees (Eeyou Istchee) and Hydro-Québec executed contemporaneously with this Agreement. This agreement is known as the *Boumhounan Agreement*.

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- 4.17 No Cree Category I lands will be flooded or used for a new road or for a new or relocated power line in relation to the Eastmain 1-A/Rupert Project. There exists a possibility that certain Category II lands may be flooded or used for a new road or a new or relocated power line in relation to the Eastmain 1-A/Rupert Project. It is understood that the use of Category II lands for such purposes will be avoided as much as possible and, should such lands nevertheless be so required, they will be replaced.
- 4.18 Québec agrees to discuss with the Cree Bands of Waskaganish, Waswanipi and Nemaska a revised land selection for their Cree Category I lands forthwith upon the receipt by the proponent of all required authorizations to proceed with the construction of the Eastmain 1-A/Rupert Project thus resulting in the definitive abandonment of the Nottaway, Broadback and Rupert (N.B.R.) Complex. This revision will concern the possible reconfiguration of these lands to take into account the abandonment of the N.B.R. Complex.

#### **FULFILMENT OF CERTAIN PAST UNDERTAKINGS OF HYDRO-QUÉBEC**

- 4.19 The Grand Council of the Crees (Eeyou Istchee) and Hydro-Québec have executed contemporaneously with this Agreement the Cree Employment Agreement (Eeyou Apatisiwin Niskamon) relating to the employment of one hundred and fifty (150) Crees in permanent Hydro-Québec jobs as contemplated under subsection 11.2 of the La Grande (1986) Agreement.
- 4.20 The Grand Council of the Crees (Eeyou Istchee) and Hydro-Québec have also executed contemporaneously with this Agreement a new Mercury Agreement.
- 4.21 The Grand Council of the Crees (Eeyou Istchee) and Hydro-Québec have also executed contemporaneously with this Agreement a new agreement respecting the fulfilment of certain undertakings of Hydro-Québec towards the James Bay Crees and setting up an exchange table in order to improve relations between Hydro-Québec and the James Bay Crees.

#### **CONNECTION OF WASKAGANISH AND WHAPMAGOOSTUI TO HYDRO-QUÉBEC NETWORK**

- 4.22 The modalities relating to the connection by Hydro-Québec to its network of Waskaganish within five (5) years and of Whapmagoostui as soon as possible are set out in an agreement between the Grand Council of the Crees (Eeyou Istchee) and Hydro-Québec executed contemporaneously with this Agreement.

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## **Chapter 5 – MINING**

### **GENERAL PRINCIPLES**

- 5.1 Mining projects will continue to be subject to the applicable environmental legislation and to the applicable environmental and social protection regime stipulated in the James Bay and Northern Québec Agreement.

### **REMEDIAL WORKS, EMPLOYMENT AND CONTRACTS**

- 5.2 Québec will facilitate and encourage agreements between promoters and the Crees concerning remedial works, employment and contracts in respect to any future mining activities in the Territory, including exploration.

### **MINERAL EXPLORATION**

- 5.3 Québec will promote and facilitate the participation of the James Bay Crees in mineral exploration activities in the Territory. In particular, Québec and the Crees will set up before April 1st, 2002 a Mineral Exploration Board which will be largely composed of Cree representatives but with some representation by Québec. This Board will benefit as of the 2001-02 Financial Year from the available regular program funding of Québec for such purposes presently set at three hundred thousand dollars (\$300,000) per Financial Year. The main purposes of this Mineral Exploration Board will be to:
- a) assist the Crees in accessing mineral exploration opportunities;
  - b) facilitate the development of mineral exploration activities by Cree Enterprises;
  - c) facilitate and encourage the access by the Crees and Cree Enterprises to regular Québec program funding and other encouragements for mineral exploration activities;
  - d) act as an entry mechanism for offers of services by Crees and Cree Enterprises in the field of mineral exploration.

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**Chapter 6 -- ECONOMIC AND COMMUNITY DEVELOPMENT**

**ASSUMPTION BY THE CREES OF CERTAIN JAMES BAY AND NORTHERN QUÉBEC AGREEMENT COMMITMENTS**

- 6.1 For the period from April 1, 2002 to March 31, 2052, the Crees shall assume the obligations of Québec, Hydro-Québec and the Société d'énergie de la Baie James to the Crees under the provisions of the James Bay and Northern Québec Agreement set forth in section 6.3 of this Agreement and concerning Economic and Community development.
- 6.2 The assumption by the Crees of the obligations described in paragraph 6.3 of this Agreement for the period from April 1, 2002 to March 31, 2052 is made in consideration of the funding commitments of Québec under Chapter 7 of this Agreement and subject to the payment by Québec to the Crees through the Recipient of Funding of the annual payments provided for in Chapter 7 of this Agreement in accordance with the terms thereof.
- 6.3 The obligations of Québec, Hydro-Québec and the Société d'énergie de la Baie James contemplated by paragraphs 6.1 and 6.2 hereof relate to the following provisions of the James Bay and Northern Québec Agreement:
- a) Economic development:
- 28.5 and 24.3.24: Cree Trappers' Association (operation, capital and programs);
  - 28.6: Cree Outfitting and Tourism Association (operation);
  - 28.7: Cree Native Arts and Crafts Association (operation and programs);
  - 28.11.2 a): an Economic Development Agent per community;
  - 28.12: assistance to Cree Entrepreneurs.
- b) Community development:
- 8.8.2: supply of electricity to isolated northern communities (by Hydro-Québec) in respect to Waskaganish and Whapmagoostui, subject to Hydro-Québec maintaining the current arrangements as to the supply of electricity to Whapmagoostui and subject to the connection by Hydro-Québec to the Hydro-Québec network of Waskaganish within five (5) years hereof and of Whapmagoostui as soon as possible as provided in section 4.22 of this Agreement;
  - 8.14.2: encouragement by the Société d'énergie de la Baie James and Hydro-Québec of training programs for the Crees;
  - 8.14.3: study by the Société d'énergie de la Baie James and Hydro-Québec of the implementation of a training program for the Crees;
  - 28.9.1, 28.9.2, 28.9.5: training programs or facilities, offices, job recruitment and placement services;
  - 28.11.1 a): community centre in each Cree community;
  - 28.11.1 b): essential sanitation services in Cree communities;
  - 28.11.1 c): fire protection including training, equipment and facilities;
  - 28.11.2 b): community affairs services;
  - 28.14: assistance for friendship centres outside communities;

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- 28.16: construction of access roads for Eastmain, Wemindji and Waskaganish (but not the maintenance of these roads which will continue to be assumed by the governments).

- 6.4 The Crees shall carry out the obligations set forth in section 6.3 hereof in accordance with the applicable legislative and regulatory framework of general application such as following applicable construction codes and submitting projects to environmental and social impact assessment where applicable.
- 6.5 The provisions of this Agreement respecting the provisions of Sections 8 and 28 of the James Bay and Northern Québec Agreement described in section 6.3 hereof and the funding thereof do not affect nor are they intended to affect in any manner the obligations and commitments of Canada in the James Bay and Northern Québec Agreement including all those set out in Sections 8 and 28 thereof.

#### **REPEAL OF SUB-SECTION 8.7 OF THE JAMES BAY AND NORTHERN QUÉBEC AGREEMENT**

- 6.6 Sub-Section 8.7 of Section 8 of the James Bay and Northern Québec Agreement as amended by Complementary Agreement no. 4 to the James Bay and Northern Québec Agreement (“Permanent Water Supply at the Eastmain Community”) shall be repealed through the Complementary Agreement attached as Schedule A hereof.
- 6.7 However, the following agreements shall continue to be in force and shall govern the parties to such agreements:
- a) the “Agreement on a Water Supply System in Eastmain” dated December 21st, 1998 and January 7th, 1999, between Hydro-Québec, the Société d’énergie de la Baie James and the Eastmain Band; and
  - b) the “Agreement to Describe and Ratify the Groundwater Solution in Eastmain” dated August 2000, also between Hydro-Québec, the Société d’énergie de la Baie James and the Eastmain Band.

#### **ACCESS ROADS**

6.8 In regard to the last element of paragraph b) of section 6.3 of this Agreement, it is acknowledged by the parties that the access roads contemplated in subsection 28.16 of the JBNQA have been constructed with the exception of the access road to Waskaganish which is still subject to certain construction works under the terms of the Framework Agreement and the Specific Agreement both dated March 19th, 1999. In the case of the Waskaganish access road, Québec will complete its undertakings under the said Framework Agreement and Specific Agreement.

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- 6.9 For the purposes of the last element of paragraph b) of section 6.3 of this Agreement, the maintenance of access roads includes major and minor repair works to access roads.

**MEMORANDUM OF UNDERSTANDING OF 1995 AND  
IMPLEMENTATION AGREEMENT OF 1998**

- 6.10 Component 1 (economic and community development projects) of the Memorandum of Understanding and of the Agreement on the Implementation of the Memorandum of Understanding, and all related or ensuing Contribution Agreements and Funding Agreements between the Cree Bands and Québec as well as all related or ensuing Tri-Party Agreements between various financial institutions, the James Bay Cree Projects Corporation Ltd. and Québec, will be completed as agreed upon between the parties.
- 6.11 Component 2 (programs and services for elderly and disabled persons) of the MOU and of the Implementation Agreement will be implemented within the framework of discussions under way between the ministère de la Santé et des Services sociaux and the Crees as of the date of coming into force of this Agreement.
- 6.12 The Implementation mechanisms as well as Component 3 (application of economic development programs), component 4 (natural resources) and component 5 (regional authorities) of the MOU and of the Implementation Agreement are repealed as of the coming into force of this Agreement.

**DISCHARGE**

- 6.13 Subject to the fulfilment by Québec of its undertakings under this Agreement, the Crees hereby give Québec, Hydro-Québec and SEBJ a full and complete discharge for the period of April 1st, 2002 to March 31st, 2052 with respect to the implementation by Québec, Hydro-Québec and SEBJ of the provisions of the James Bay and Northern Québec Agreement described in section 6.3 above and of the funding related thereto.

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**Chapter 7 -- FINANCIAL PROVISIONS**

**GENERAL PROVISIONS**

- 7.1 For the period from April 1st, 2002 to March 31st, 2052, Québec shall pay to the Recipient of Funding, on behalf of the James Bay Crees, an annual amount so that the James Bay Crees may assume for that period the obligations of Québec, Hydro-Québec and la Société d'énergie de la Baie James to the Crees under the provisions of the James Bay and Northern Québec Agreement set forth in section 6.3 of this Agreement and concerning Economic and Community development.
- 7.2 The said annual payment from Québec shall be in the amounts determined pursuant to sections 7.3 to 7.14 hereof and shall be paid by Québec to the Recipient of Funding.

**FUNDING AMOUNTS AND INDEXATION FORMULA**

- 7.3 This annual payment from Québec for the first three (3) Financial Years shall be as follows:
- a) for the 2002-2003 Financial Year: twenty-three million dollars (\$23 million);
  - b) for the 2003-2004 Financial Year: forty-six million dollars (\$46 million);
  - c) for the 2004-2005 Financial Year: seventy million dollars (\$70 million).
- 7.4 For each subsequent Financial Year between April 1st, 2005 and March 31st, 2052, the annual payment from Québec shall be the greater of the two (2) following amounts
- a) seventy million dollars (\$70 million); or
  - b) an amount corresponding to the indexed value of the amount of seventy million dollars (\$70 million) as of the 2005-2006 Financial Year in accordance with the formula described herein that reflects the evolution of the value of hydroelectric production, mining exploitation production and forestry harvest production in the Territory.
- 7.5 An indexation factor will be determined for each Financial Year by comparing to a reference Base established in conformity with section 7.6 the average yearly value of hydroelectric production, mining exploitation and forestry harvest in the Territory in the five year period (moving average) ending on December 31st of the calendar year which precedes the Financial Year for which the indexation factor should apply. This indexation factor will be applied to the basic amount of seventy million dollars (\$70 million) in order to determine an indexed value for the payment to be made for that Financial Year. The basic formula to calculate the indexed value of seventy million dollars (\$70 million ) is as follows:
- $$70 \text{ M\$ } \times \{P_{\text{Hydroelectricity}} + P_{\text{Mining}} + P_{\text{Forestry}} + 5\} / \text{Base}$$



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- 7.6 The reference Base in the formula set out in section 7.5 is established as follows. The sum value of production in the hydroelectric, forestry and mining sectors is first determined for the fixed reference period from January 1st, 1999 to December 31st, 2003. From this sum is deducted the yearly maximum production value and the yearly minimum production value for that same reference period. The average of the resultant three year period will serve as the Base reference value for the indexation formula applicable to each Financial Year. The following formula illustrates this calculation:

$$\text{Base} = (\Sigma 2003/1999 \text{ Production MinProduction MaxProduction } 3$$

Where:

- a) Production represents the total value of hydroelectric production, mining exploitation and forestry harvest in the Territory for the fixed period of January 1st, 1999 to December 31st, 2003;
- b) Production t = P<sub>Hydroelectricity</sub> t + P<sub>Forestry</sub> t + P<sub>Mining</sub> t.

- 7.7 For the purposes of sections 7.5 and 7.6:

- a) *P<sub>Hydroelectricity</sub>* represents the total value of hydroelectric production in the Territory in a calendar year and determined in accordance with the actual production as measured by Hydro-Québec or its successors at each of its power plants or generating facilities operating in the Territory and priced according to the average sale price of electricity (domestic and export) in Canada and the United States of America realized by Hydro-Québec for that period.

For these purposes:

For each calendar year, hydroelectric production volume shall be the sum of the volumes measured by the generator meter readings at each of the concerned power plants less the sum of station service meter readings. The resultant Production Net of Station Services Consumption shall be the applicable production volume subject to the average price.

The average price applicable to the production volume shall be determined as the Total Revenue from all sales of electricity in Canada and the United States of America in the concerned calendar year divided by the Total Sales of electricity (in volume) in Canada and the United States of America in that same year.

- b) *P<sub>Mining</sub>* represents the sum of the total value of mining exploitation extraction shipments in a calendar year for each mine operating in the Territory as reported to le Gouvernement du Québec for the purposes of mining royalties. The shipment values are established by determining the actual shipment quantities or volumes priced according to the actual prices realized by the producers for the product extracted.

- c) *P<sub>Forestry</sub>* represents the sum of the total value of all unprocessed

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wood shipments harvested from the Territory in a calendar year and determined by the actual shipment volumes for the Territory for that year priced according to the average price for Québec unprocessed wood shipments (public and private forestry) for the relevant calendar year.

The unprocessed wood shipment volumes for a calendar year shall be determined by le Gouvernement du Québec by reference to the forestry register. The average price for Québec shipments in a calendar year shall be determined by dividing the total value of unprocessed wood shipments for all of Québec for that year, as reported by Statistics Canada, by the total volumes of wood harvested in Québec in that year.

- 7.8 An indexation factor will be derived in accordance with the formula set out in section 7.5 by dividing by the reference Base established pursuant to section 7.6 the average annual production value of the five (5) calendar year period ending on December 31st of the calendar year preceding the Financial Year for which the indexation factor applies. An indexation factor will be derived for each Financial Year in accordance with the average annual production values of the successive five (5) year periods (moving average). It is understood that the Base is fixed since it refers to the reference period of January 1st, 1999 to December 31st, 2003.
- 7.9 In further accordance with the formula set out in section 7.5, the indexation factor resulting from the calculation described in section 7.8 will be thereafter multiplied by the base amount of seventy million dollars (\$70 million) in order to calculate the annual payment from Québec for the Financial Year for which the calculation of the indexed value is performed.
- 7.10 To illustrate, for the first Financial Year of indexation, that is, the 2005-2006 Financial Year, the payment will be calculated as follows if the amount of the payment exceeds seventy million dollars (\$70 million):
- $$70 \text{ M\$} \times \left\{ \frac{5 \text{ Base}_{2004/2000} (P_{Hydroelectricity} + P_{Mining} + P_{Forestry}) + 5}{\text{Base}} \right\}$$

### ESTIMATES, REVISIONS AND ADJUSTMENTS

- 7.11 Before December 31st of each year, Québec shall prepare an estimate of the indexed amount for the subsequent Financial Year based on the best information then available concerning production volumes and prices in each of the concerned sectors (hydroelectricity, mining and forestry). At this same date, Québec will revise its prior estimates for the indexed amounts paid for the current Financial Year and for the previous Financial Years taking into account the real production volumes data and price data then available for each of these sectors. This estimate and these revisions will be the subject of discussions with the Recipient of Funding during the month of December of each year.

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- 7.12 The estimated data will be replaced as soon as real data are available for each concerned sector (hydroelectricity, mining and forestry). These replacements of data will be carried out as the real data become available for each of the concerned sectors.
- 7.13 In the case where the replacement of estimated data by real data results in a readjustment of the indexation factor for one or more given Financial Years with a consequential revision of the annual payment for this or these Financial Years, the payment for the Financial Year which follows immediately the revision will be adjusted by an equivalent amount in order to fully reflect the required retroactive payment or withholding for each of the concerned Financial Years.
- 7.14 The annual payment for a given Financial Year shall be definitive and shall no longer be the object of revisions three (3) years after all the estimated data for this Financial Year will have been replaced by the available real data.

#### **AUDIT**

- 7.15 At the latest December 31st of each year, Québec will provide a written notice to the Recipient of Funding of its estimate of its annual payment for the subsequent Financial Year and of all its revised estimates of annual payments for the current and previous Financial Years. This notice will include detailed explanations and base reference documentation as to the method and data used to make this estimate and these revisions.
- 7.16 The Recipient of Funding may proceed to audit the indexed value of any payment in any Financial Year. Such an audit may be carried out once a year at the discretion of the Recipient of Funding and may concern the current Financial Year or any or all of the five (5) Financial Years preceding the audit. Québec shall facilitate such audit by providing access by the auditors to all the data and calculations and other information reasonably required to carry out the audit subject, when appropriate, to reasonable confidentiality undertakings from the auditors.
- 7.17 In the event that Québec and the Recipient of Funding do not agree on a final determination as to Québec's annual payment for a given Financial Year, the matter may be submitted to the dispute resolution mechanisms set out in this Agreement.

#### **QUARTERLY INSTALMENTS**

- 7.18 The annual payment from Québec for each Financial Year will be paid to the Recipient of Funding in four (4) equal instalments on the first Business Day of the months of April, July, October and January of that Financial Year. These instalments shall be made by means of direct electronic banking transfer to the account designated for this purpose by the Recipient of Funding or by any other means acceptable to both Québec and to the Recipient of Funding.
- 7.19 Should any instalment of the annual payment from Québec not be paid in full at the appropriate date, the amount outstanding shall bear interest at an annual rate determined on a daily basis and equal to the average prime rate of the chartered banks operating in Québec.

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**TAXATION AND SEIZURE EXEMPTIONS**

- 7.20 The annual payment from Québec will be exempt from any form of taxation, charge, fee or levy by Québec and will not be subject to privilege, hypothec or any other charge, or to attachment, levy or seizure.

**RECIPIENT OF FUNDING**

- 7.21 The James Bay Crees, acting through the Recipient of Funding, will use this annual payment from Québec for the economic and community development of the James Bay Crees in accordance with the priorities and means which the James Bay Crees, acting through the Recipient of Funding, shall deem appropriate, including support for Cree traditional activities and the creation of a Heritage Fund for the benefit of the James Bay Crees and Cree Bands.
- 7.22 For these purposes, the Recipient of Funding may allocate or distribute the annual payment from Québec and any revenues derived therefrom at its discretion and for a specific purpose or for general purposes to any Cree Enterprise, any Cree Band or to any trust, foundation or fund whose beneficiaries include Crees or Cree Bands or Cree Enterprises or any combination thereof.

**ANNUAL REPORTS**

- 7.23 The Recipient of Funding shall submit to Québec on an annual basis, in the six (6) months following the close of each Financial Year, an annual report and audited financial statements, describing its activities and the use of the annual payment from Québec.
- 7.24 If this annual report and these audited financial statements are not submitted by the Recipient of Funding within this time frame, Québec may submit the matter to the dispute resolution mechanisms set out in this Agreement and, failing resolution through this means, may seek a court order allowing it to suspend subsequent payments pending the submission of said annual report and audited financial statements. The suspended payments will however be re-instituted retroactively, without interest, as soon as these report and audited financial statements have been submitted by the Recipient of Funding.

**CAPITAL PAYMENTS**

- 7.25 The annual payments from Québec constitute capital payments paid to the benefit of the James Bay Crees and Cree Bands pursuant to the JBNQA for community and economic development purposes.

**Chapter 8 – CREE DEVELOPMENT CORPORATION  
CREATION OF CREE DEVELOPMENT CORPORATION**

- 8.1 There shall be established by legislation of the National Assembly a Cree Development Corporation (the “CDC”) in accordance with the terms set out in this Chapter. Québec will endeavour to have this legislation adopted and in force during the course of the 2002 calendar year.
- 8.2 The CDC will be an autonomous corporation.
- 8.3 The CDC will be a corporation within the meaning of the Québec Civil Code, with the general powers of such a corporation and the special powers provided for in this Chapter. The CDC will also be a joint stock corporation governed by Part II of the *Companies Act* (R.S.Q., c. C-38) with such modifications as are consistent with its objects and mandates.
- 8.4 Its shareholder shall be the Cree Regional Authority.

**BOARD OF DIRECTORS**

- 8.5 The CDC will be managed by a board of directors composed of eleven (11) members appointed as provided as follows.
- 8.6 Five (5) members of the board of directors of the CDC will be appointed by the Cree Regional Authority. Five (5) members of the board of directors will be appointed by Québec. The Chairperson of the CDC shall be appointed among the Crees by the Cree Regional Authority after consultation with Québec on this matter in order to attempt to appoint a Chairperson who is mutually acceptable.
- 8.7 The directors of the CDC appointed by Québec shall have one (1) vote each on the board of directors and the directors appointed by the Cree Regional Authority, including the Chairperson, shall each have two (2) votes on the board of directors. Dissidences will be recorded in the minutes of the meetings of the directors when requested by a director.
- 8.8 The number of directors to the CDC may be increased with the consent of the Cree Regional Authority and Québec insofar as the control of the CDC remains in the hands of its directors appointed by the Cree Regional Authority.
- 8.9 The fees and expenses of the members of the board of directors of the CDC will be assumed by the party which appoints them. The other operating expenses of the CDC shall be assumed by the corporation.

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**OBJECTS AND POWERS**

- 8.10 The CDC will be dedicated to the economic and community development of the James Bay Crees. The CDC will act as a modern development organization with the mandate of:
- a) supporting the long-term development of each Cree community;
  - b) developing an original Cree expertise in the field of economic development and the management of development funds;
  - c) promoting and accelerating job creation for the Crees on the Territory;
  - d) making the Crees active partners of Québec in the economic development of the Territory;
  - e) assisting, promoting and encouraging the creation, diversification or development of businesses, resources, properties and industries with a view to stimulating economic opportunities for James Bay Crees and contributing to their general economic well-being.
- 8.11 The CDC will facilitate the establishment of partnerships between the Crees and Québec as well as with public and private enterprises for the carrying out of development activities on the Territory.
- 8.12 The initiatives the CDC will be authorized to carry out will include:
- a) investing in any undertakings in order to create, maintain or protect jobs for James Bay Crees;
  - b) promoting the training of James Bay Crees in economic matters and enable them to increase their influence on the economic development of the Crees and of Québec;
  - c) stimulating the economy of the James Bay Crees by making strategic investments that will be of benefit to Cree Enterprises and Cree workers;
  - d) promoting the development of Cree Enterprises by inviting individuals, institutions, governments and corporations to participate in that development by subscribing shares of Funds that it may set up for such specific or general purposes;
  - e) the possibility of offering financial products deemed appropriate according to the projects involved, such as loans with or without guarantees, acquisition of financial interests through acquisition of shares, bonds or other securities, grants, loan guarantees and other financial products;
  - f) the possibility of earmarking a portion of its resources for the carrying out of social or community development projects such as housing (loans or grants);
  - g) managing funds, assets, programs or activities at the request of the Cree Regional Authority, Québec or Canada;
  - h) any other initiative of any nature and deemed useful to its objects by its board of directors.

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**FUNDING**

- 8.13 The funding made available to the CDC may be provided to it by the Recipient of Funding in the amount and on the dates determined by the Recipient of Funding, as well as progressively, by the financial yields resulting from CDC activities. The Recipient of Funding may provide funding to the CDC through any means the Recipient of Funding deems appropriate including interest or non-interest bearing secured or unsecured loans, convertible or non-convertible debentures, subscription of capital or in any combination thereof.

**HEAD OFFICE**

- 8.14 The corporate seat of the CDC shall be located on Cree Category IA lands. The CDC may also have offices and branches elsewhere.

**DISSOLUTION OF THE JAMES BAY NATIVE DEVELOPMENT CORPORATION**

- 8.15 The provisions of paragraphs 28.2.1 to 28.2.6, of paragraphs 28.3.1 to 28.3.4 and of Sub-section 28.17 of the James Bay and Northern Québec Agreement are repealed through the Complementary Agreement no. 14 attached as Schedule A and replaced therein by the provisions as set out in the said Complementary Agreement.
- 8.16 *The Act respecting the James Bay Native Development Corporation* (R.S.Q., c. S-9.1) will be repealed by the act creating the CDC. The James Bay Native Development Corporation will thus be dissolved by this legislation and its assets, including all shares and interests it holds in other corporations, will be transferred to the CDC. The CDC will be the legal successor to the James Bay Native Development Corporation. The ordinary and Class A shares of the James Bay Native Development Corporation will be cancelled without payment of any compensation and without need to pay any amount of any nature whatsoever to any one of its shareholders from its assets or otherwise.
- 8.17 Upon the coming into force of the said Complementary Agreement and the adoption of the legislation creating the CDC, the James Bay Crees hereby discharge Québec in relation to the James Bay Native Development Corporation and the provisions of paragraphs 28.2.1 to 28.2.6 and of 28.3.1 to 28.3.4 and of Sub-section 28.17 of the James Bay and Northern Québec Agreement as they read prior to the coming into force of the Complementary Agreement.

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**Chapter 9 -- LEGAL PROCEEDINGS**

- 9.1 The parties to this Agreement maintain their respective legal positions regarding the JBNQA and its interpretation and their powers and rights.
- 9.2 Nevertheless, the parties expect and intend that this Agreement shall chart The course towards mutually satisfactory resolution of disputes and that recourse will only be had to the Courts as a last resort.
- 9.3 The parties agree to take the required measures to bring an end to the pending litigation between them or in which they are involved to the maximum extent possible and so pave the way to a new era of cooperation.
- 9.4 The parties specifically acknowledge that certain of the legal proceedings of the Crees will continue as against the Federal Government. However, the Crees agree that they will attempt to avoid any negative impact on their relation with Québec as a result of the continuance of the legal proceedings in which the Attorney General of Canada is Defendant.
- 9.5 In order to meet the purposes of this Agreement and to facilitate the renewed relationship referred to herein, the parties undertake to take the measures set forth in this Chapter in respect to the following list of litigation:
- a) *Mario Lord et al. v. The Attorney General of Québec et al.*, S.C.M. 500-05-043203-981 (the *Lord* proceedings).
  - b) *Chief John Kitchen et al. v. The Honourable Paul Bégin et al.*, S.C.M. 500-05-052483-995 (the *Kitchen* proceedings).
  - c) *Grand Chief Ted Moses et al. v. The Attorney General of Québec*, S.C.M. 500-05-065449-017 (the *Moses* proceedings).
  - d) *Grand Chief Matthew Coon Come et al. v. Hydro-Québec, the Attorney General of Québec and the Attorney General of Canada*, S.C.M. 500-05-004330-906 (the *Coon-Come #1* proceedings).
  - e) *Grand Chief Matthew Coon Come et al. v. The Attorney General of Québec and the Attorney General of Canada et al.*, S.C.M. 500-05-027984-960 (the *Coon-Come #2* proceedings).
  - f) *Chief Abel Bosum et al. and the Oujé-Bougoumou Cree Nation v. The Attorney General of Québec*, S.C.M. 500-05-017463-934 (the *Bosum Superior Court* proceedings).
  - g) *Chief Kenneth Gilpin et al. v. Hydro-Québec, The Attorney General of Québec and the Honourable Pierre Paradis*, S.C.M. 500-05-011892-922 (the *Gilpin* proceedings).
  - h) *The Grand Council of the Crees (of Québec) et al. v. le Procureur général du Québec et al.*, S.C.M. 500-05-011243-803 (1980 *GCCQ Health* proceedings).
  - i) *The Grand Council of the Crees (of Québec) et al. v. The Attorney General of Québec et al.*, S.C.M. 500-05-001440-807 (the *GCCQ AirTransport* proceedings).



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j) *Tawich Development Corporation v. Deputy Minister of Revenue of Québec*, C.Q.M. 500-02-012845-926, 500-02-019379-945, 500-02-012499-955; Q.C.A. 500-09-004495-974; S.C.C. 28033 (the *Tawich* proceedings).

k) *Société de conservation du Saguenay Lac St-Jean et Société de protection des forêts contre le feu c. Corporation foncière de Mistassini et le Procureur général du Québec et le Grand Conseil des Cris (du Québec) et l'Administration régionale crie*, S.C. District of Abitibi 170-05-000007-922 (*Mistassini Fire Protection* proceedings).

l) *Société de conservation du Nord-Ouest et la Société de protection des forêts contre le feu c. Corporation foncière de Waswanipi et le Procureur général du Québec et le Grand Conseil des Cris (du Québec) et l'Administration régionale crie*, S.C. District of Abitibi 170-05-000021-923 (*Waswanipi Fire Protection* proceedings).

m) *Grand Chief Matthew Coon Come et al. v. Her Majesty the Queen in Right of Canada et al.*, F.C.C. T-962-89 (*Federal Court Coon Come* proceedings).

n) *The Cree Nation et al. v. Her Majesty the Queen in Right of Canada et al.*, F.C.C. T-1913-90 (*Federal Court Forestry* proceedings).

o) *Chief Abel Bosum et al. and the Oujé-Bougoumou Cree Nation v. Her Majesty the Queen in Right of Canada*, F.C.C. T-3007-93 (*Federal Court Bosum* proceedings).

p) *Cree School Board, Grand Council of the Crees (Eeyou Istchee), Cree Regional Authority et al. The Minister of Education of Quebec et al.*, v. S.C.M. 500-05-02496-962; Q.A.C. 500-09-006311-989; 500-09-006312-987 (the *Cree education* proceedings).

- 9.6 The *Lord* proceedings shall be discontinued by the Cree parties without costs as against the Attorney General of Québec, the Provincial Administrator under Section 22 of the JBNQA, the Honourable Paul Bégin, and the Honourable Guy Chevrette. Québec accepts that this discontinuance shall be made without costs to any of these parties.
- 9.7 The Cree parties to the *Lord* proceedings will offer a discontinuance without costs to the other parties to the *Lord* proceedings. The *Lord* proceedings will be discontinued without costs to the Cree parties and to any Defendant in the *Lord* proceedings not referred to in section 9.6 accepting such a discontinuance without costs. Québec shall facilitate the proposed discontinuance without costs.
- 9.8 Should any of the Defendants in the *Lord* proceedings refuse the proposed discontinuance without costs, the Cree parties to the *Lord* proceedings and Québec will jointly apply to the Superior Court to declare the proceedings to have been discontinued without costs to any of the parties to such proceedings.

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- 9.9 The *Kitchen* proceedings shall be discontinued by the Cree parties thereto without costs to any of the parties to such proceedings. Québec accepts such discontinuance without costs in regard to all Defendants. The mis-encause shall be offered a discontinuance without costs as against it and Québec undertakes to facilitate such discontinuance without costs. The provisions of sections 9.7 and 9.8 shall apply *mutatis mutandis* to the mis-encause.
- 9.10 The *Moses* proceedings shall be discontinued by the Cree parties thereto without costs to any of the parties to such proceedings. Québec accepts such discontinuance without costs.
- 9.11 The *Coon Come #1 and #2* proceedings shall be discontinued, without costs, by the Cree parties hereto as against Québec in respect to all allegations and conclusions except those relating to Sections 11B, 14, 18 and 19 of the JBNQA. Québec accepts such partial discontinuance without costs.
- 9.12 In respect to the allegations and conclusions of the *Coon Come #1 and #2* proceedings relating to Sections 11B, 14, 18 and 19 of the JBNQA, the Cree parties to the proceedings and Québec agree to suspend the proceedings against Québec until March 31st, 2005 in order to facilitate the resolution of the issues in respect to these Sections. Québec renounces to any right respecting any ensuing delays and shall not apply for peremption of suit.
- 9.13 Forthwith upon the execution of this agreement and until March 31st, 2005, at the latest, the James Bay Crees and Québec shall negotiate to resolve the issues relating to Sections 11B, 18 and 19 of the JBNQA under the aegis of the Standing Liaison Committee and those issues related to Section 14 under the aegis of the existing MSSS – Cree Table. The framework for the resolution of issues relating to section 19 of the JBNQA is set out in sections 10.11 to 10.16 of this Agreement.
- 9.14 Upon the resolution of the issues relating to any one of Sections 11B, 14, 18 and 19 of the JBNQA pursuant to the process contemplated by section 9.13, the remainder of the *Coon Come #1 and #2* proceedings as against Québec relating to any resolved Section of the JBNQA shall be discontinued by the Cree parties thereto without costs. Québec undertakes to accept the discontinuance, without costs, of the remainder of the *Coon Come #1 and #2* proceedings then pending against Québec so resolved.
- 9.15 The *Coon Come #1 and #2* proceedings shall also be partially discontinued by the Cree parties thereto without costs as against or in favour of Defendants Hydro-Québec and SEBJ in consideration of and subject to the agreements between the James Bay Crees, Hydro-Québec and SEBJ referred to in sections 4.19 to 4.21 hereof. The terms of this partial discontinuance and the list of issues which remain to be resolved are set out in a separate agreement between the CRA, Hydro-Québec and the SEBJ.
- 9.16 The *Coon Come #2* proceedings shall be discontinued by the Cree parties in regard to the SDBJ without costs to any of the parties to such litigation. Québec will ensure that the SDBJ will accept such discontinuance without costs. The *Federal Court Coon Come* proceeding will be amended by the Cree parties in order to no longer refer therein to the SDBJ.

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9.17 The *Coon Come #1 and #2* proceedings, the *Federal Court Coon Come* proceedings and the *Federal Court Bosum* proceedings may continue as against the Attorney General of Canada (AGC) except that the Cree parties shall no longer invoke their allegations as particularized and conclusions relating to breaches by the AGC of its trust and fiduciary obligations:

a) in relation to any breaches by Québec of its obligations under the JBNQA and other agreements, undertakings and commitments;

b) in relation to any breaches pertaining to the lands and natural resources in Québec.

9.18 There may be a final judgment condemning Canada to pay amounts to Plaintiffs in the *Coon Come #1 or #2* proceedings or in the *Federal Court Coon Come* proceeding or in the *Federal Court Bosum* proceedings and a contemporaneous or subsequent condemnation by final judgment against Québec, at the request of Canada, to pay the whole or part of such amounts to Canada or the Crees. This may arise as a result of an action in warranty or intervention or similar proceeding by Canada against Québec. In the event of an action in warranty by Canada against Québec, the Crees will participate in the response of the Attorney General of Québec in such proceedings by supporting the positions related to the limits of the action in warranty in consideration of the terms of the present Agreement. In the event of a condemnation consequent upon a judgment against Québec as a result of a final judgment in the *Coon Come #1 or #2* proceedings or in the *Federal Court Coon Come* proceedings or in the *Federal Court Bosum* proceedings, the Cree parties undertake to indemnify Québec to the extent of any such monetary award against Québec. However, any indemnification to Québec hereunder shall in no case exceed the total amount of any monetary award in favour of the Cree parties in virtue of a final judgment in the *Coon Come #1 or #2* proceedings, the *Federal Court Coon Come* proceedings or the *Federal Court Bosum* proceedings as the case may be. In the event of a direct condemnation against Québec in favor of the Crees within the framework of such action in warranty by Canada, the Crees will produce to the Court a declaration of satisfaction of such judgement in favor of Québec without pursuing the execution of such judgement and in consideration of the present Agreement.

9.19 For greater certainty, this Agreement shall not affect or be deemed to affect the continuation of the *Coon Come #1 and #2* proceedings or the *Federal Court Coon Come* proceedings or the *Federal Court Bosum* proceedings as against the AGC in respect to:

a) Breaches by the AGC of its obligations under the JBNQA and the *James Bay and Northern Québec Native Claims Settlement Act* and under the agreements, undertakings and commitments described in Schedule B of the *Coon Come #2* proceedings, whether such obligations are particular or distinct to the AGC or joint obligations with Québec where Canada's share is only sought.

b) Breaches by the AGC of the rights of plaintiffs outside of Québec as well as breaches by the AGC of the treaty rights of plaintiffs outside of Québec.

c) Aboriginal rights and title of the Cree plaintiffs outside of Québec.

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- d) Subject to section 9.17, breaches by the AGC of its common law trust and fiduciary obligations to the James Bay Cree.
  - e) Subject to section 9.17, breaches by the AGC of the treaty relationship between the James Bay Crees and the federal Crown.
  - f) Breaches by the AGC of its obligations to the Crees under the Constitution of Canada and any federal legislation.
  - g) Any other issues which are not incompatible with the provisions of this Agreement.
- 9.20 The elements of the *Bosum Superior Court* proceedings pertaining to natural resources development shall be discontinued as against Québec, by the Cree parties, without costs to any parties. Québec accepts that the discontinuance shall be made without costs.
- 9.21 The other elements of the *Bosum Superior Court* proceedings shall be suspended until March 31st, 2005 and dealt with in the framework contemplated by section 10.4.
- 9.22 The *Gilpin* proceedings shall be discontinued by the Cree parties thereto without costs to any of the parties. Québec accepts such discontinuance without costs for itself and the Honourable Pierre Paradis and ensures that Hydro-Québec will also accept a discontinuance as against Hydro-Québec without costs to any of the parties to such proceedings.
- 9.23 The 1980 *GCCQ Health* proceedings shall be suspended until March 31st, 2005 and dealt with in accordance with the provisions of sections 9.12 to 9.14.
- 9.24 Notwithstanding section 9.23, the 1980 *GCCQ Health* proceedings may be continued by the Cree individuals with claims, at their option, and the proceedings may also be severed. The individual parties may also elect to have their claims dealt with in the negotiations contemplated by section 9.13 of this Agreement.
- 9.25 The *GCCQ Air Transport* proceedings shall be discontinued by the Cree parties thereto without costs as against Québec and l'Honorable Denis de Belleval then Ministre des Transports du Québec. Québec accepts such discontinuance as against it and that minister without costs. The Cree parties shall offer to the Defendants which remain and the mis-en-cause, a discontinuance without costs. In the event that such discontinuance is accepted by those parties, the entire *GCCQ Air Transport* proceedings shall be discontinued without costs forthwith upon such acceptance.
- 9.26 The *Tawich* proceedings pending before the Supreme Court of Canada shall be discontinued without costs in all the Courts. Québec accepts such discontinuance without costs.
- 9.27 The discontinuance of the *Tawich* proceedings provided for in section 9.26 shall be subject to an agreement between the parties to this Agreement in relation to resulting past financial liability of certain development corporations in respect to taxes on paid-up capital.

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- 9.28 Québec ensures that the Société de protection des forêts contre le feu (SOPFEU) will withdraw and abandon all claims which are the object of the *Mistissini and Waswanipi Fire Protection* proceedings, including the relief sought, as well as any other claim or recourse of any nature whatsoever which it has or could have or might assert for the period prior to April 1st, 2002 respecting forest fire protection regarding Waswanipi and Mistissini Category IB lands and the payment of any applicable forest fire protection fee respecting Waswanipi and Mistissini Category IB lands.
- 9.29 Québec will withdraw and abandon all claims which are the object of the *Mistissini and Waswanipi Fire Protection* proceedings, including the relief sought, as well as any other claim or recourse of any nature whatsoever which it has or could have or might assert prior to April 1st, 2002 respecting forest fire protection regarding Waswanipi and Mistissini Category IB lands and the payment of any applicable forest fire protection fee respecting Waswanipi and Mistissini Category IB lands.
- 9.30 For the period subsequent to March 31st, 2002, the Mistissini Landholding Corporation or any entity designated by the Cree Nation of Mistissini will assume the applicable forest fire protection fees assessed for Mistissini Category IB lands as provided for in the *Forest Act* and regulations thereunder and the by-laws of SOPFEU. For the period subsequent to March 31st, 2002, the Waswanipi Landholding Corporation or any entity designated by the Cree Nation of Waswanipi will assume the applicable forest fire protection fees assessed for Waswanipi Category IB lands as provided for in by the *Forest Act* and regulations thereunder and the bylaws of SOPFEU.
- 9.31 It is acknowledged that the *Federal Court Forestry* proceedings relate to federal environmental impact assessment and review of certain forestry operations and constitute legal proceedings concerning forestry. Consequently, the Cree parties to the proceedings shall offer to Her Majesty the Queen in Right of Canada, Defendant Ministers and Defendant Federal Administrator a discontinuance without costs of these proceedings. Should such discontinuance without costs be accepted by those Defendants, the Cree parties to the *Federal Court Forestry* proceedings shall discontinue the proceedings without costs upon such acceptance.
- 9.32 The Cree parties shall also offer the mis-en-cause Domtar Inc. a discontinuance without costs in the *Federal Court Forestry* proceedings. Should mis-en-cause Domtar Inc. accept such a discontinuance without costs, the *Federal Court Forestry* proceedings shall be discontinued as against it.
- 9.33 It is specifically confirmed that the allegations and conclusions of the *Coon Come #1 and #2* proceedings concerning the recognition of land designated as Block D as part of Category IA land will be fully and completely settled by the Cree parties in consideration of and subject to the terms of section 10.1 and of schedule D hereof.

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- 9.34 Québec will not appeal before the Supreme Court of Canada the *Cree education proceedings* and will not intervene in this case should Canada appeal it. The parties agree that the general funding framework of Cree education entitled "Funding Rules for Operations and Investment Grants: Terms of Reference for the Purposes of the Approval of the Cree School Board Budget" will continue to be established according to the budgetary rules currently agreed to between them and will be updated by the parties in 2004 and periodically thereafter to take into account changes in the needs of the Cree School Board, the whole subject to the already agreed to discussions on the future funding of adult education.
- 9.35 Subject to the terms of this Chapter, the James Bay Crees undertake not to institute other legal proceedings in respect to the past implementation by Québec, Hydro-Québec, SEBJ, or SDBJ of the JBNQA and the Forest Act. For the purposes hereof the period comprising the past implementation of the JBNQA and the Forest Act constitutes the period between the date of signature of the JBNQA and the date of signature of this Agreement.
- 9.36 The provisions of this Agreement do not affect the rights and recourses of the Crees and of Crees individuals resulting from contaminants (such as mercury or other metals and substances) arising from the development of the Territory.
- 9.37 The James Bay Crees and Québec undertake that within the six months which follow the execution of the present Agreement, they will cause to be filed in the records of the Courts the documents necessary to give effect to the discontinuances and other measures contemplated by this Chapter.

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**Chapter 10 -- OTHER PROVISIONS****BLOCK D**

- 10.1 Québec and the Crees confirm the settlement of their differences concerning the Chisasibi "Block D" lands. The terms of this settlement are set out in Schedule D hereof.

**MODIFICATIONS TO THE CREE TRAPPERS' ASSOCIATION AND THE CREE OUTFITTING AND TOURISM ASSOCIATION AGREEMENTS**

- 10.2 The "Agreement Regarding the Cree Trappers' Association" between Québec, the Cree Trappers' Association, the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority signed on December 19th, 2000 and January 9th, 2001 will cease to be in force as of March 31st, 2002. For greater certainty, the parties confirm that the said agreement and the funding provided thereunder by Québec shall be maintained for the 2000-2001 and 2001-2002 Financial Years.
- 10.3 The "Agreement Regarding the Cree Outfitting and Tourism Association" between Québec, the Cree Outfitting and Tourism Association, the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority signed on December 19th, 2000, January 9th, 2001 and January 18th, 2001 will cease to be in force as of March 31st, 2002. For greater certainty, the parties confirm that the said agreement and the funding provided thereunder by Québec shall be maintained for the 2000-2001 and 2001-2002 Financial Years.

**LAND TRANSFER BETWEEN MISTISSINI AND OUJÉ-BOUGOUMOU**

- 10.4 The parties agree to allow the definitive settlement of the transfer of lands between Oujé-Bougoumou and Mistissini and of the "Abel Bosum" proceedings in regard to Québec in conformity with the framework set out in Schedule G.

**PROVINCIAL SHARE OF OPERATING COSTS OF ENVIRONMENTAL COMMITTEES**

- 10.5 For the period of April 1st, 2002 to March 31st, 2002, the Cree Regional Authority will contribute half of Québec's shares of the funding for the regular and normal secretariat services of the James Bay Advisory Committee on the Environment and of the Evaluating Committee provided for in Section 22 of the JBNQA in accordance with the following provisions:

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- a) Canada must fund the said secretariat services equally with Québec. Thus, the Cree Regional Authority's contribution thereto will be a portion of Québec's share of the funding of these secretariat services (i.e. a maximum of 25% of the costs of the regular and normal secretariat services);
- b) the level of the Cree Regional Authority's contribution for these secretariat services must be jointly agreed to between Québec and the Cree Regional Authority every five (5) years. Failing such an agreement, the matter will be submitted for resolution to the dispute resolution mechanisms set out in this Agreement;
- c) the contribution of the Cree Regional Authority for these secretariat services will not include any costs for carrying out public hearings or public consultations should any of these Committees be called upon to carry out such public hearings or consultations;
- d) the contributions of the Cree Regional Authority for these secretariat services for the period of April 1st, 2002 to March 31st, 2007 are set out in a separate agreement between the parties;
- e) the Cree Regional Authority will have a voice in the selection of staff and in other matters affecting these secretariat services.  
 10.6 For the period of April 1st, 2002 to March 31st, 2052, the Cree Regional Authority will contribute half of Québec's funding for the normal and regular staff of the Provincial Review Committee provided for in Section 22 of the JBNQA in accordance with the following provisions:
  - a) the level of the CRA's contribution for the normal and regular staff of the Provincial Review Committee must be jointly agreed to between Québec and the Cree Regional Authority every five (5) years. Failing such an agreement, the matter will be submitted for resolution to the dispute resolution mechanisms set out in this Agreement;
  - b) the contribution of the Cree Regional Authority for such purposes will not include any costs for carrying out public hearings or public consultations nor the costs of any additional staff, expert advice or any reports related to large development projects such as (but not limited to) hydroelectric projects and mining exploitation projects;
  - c) the contribution of the Cree Regional Authority for the normal and regular staff of the Provincial Review Committee for the period of April 1st, 2002 to March 31st, 2007 is set out in a separate agreement between the parties;
  - d) the Cree Regional Authority will have an equal voice with Québec in the selection of staff and in other matters affecting these secretariat services.



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**FUNDING OF LOCAL CREE BENEFICIARY REGISTRATION SERVICES AND LOCAL ENVIRONMENTAL SERVICES**

10.7 As of April 1st, 2002, the Cree Regional Authority will assume the funding undertakings of Québec towards Cree Bands set out in the following agreements related to local Cree beneficiary registration services and local environmental services under Québec's responsibilities:

a) section 4 of the "Contract of the Local Registration Officer" entered into by Québec and various Cree Bands in 1983, an example of which for the Cree Band of Chisasibi is attached as Schedule E;

b) the Financial Provisions set out in sections 4 to 6 of the "Memorandum of Agreement between the Minister of the Environment and various Cree Bands" regarding funding of the Program for the local environment administrator, an example of which for the First Nation of Whapmagoostui dated December 22nd, 2000 and February 8th, 2001 is attached as Schedule F.

The future amounts of funding in this respect will be determined and assumed by the Cree Regional Authority until March 31st, 2052.

**SOCIÉTÉ DE DÉVELOPPEMENT DE LA BAIE JAMES**

10.8 The Société de développement de la Baie James will be instructed by Québec to encourage joint ventures and partnerships with Cree Enterprises in specific fields or activities including tourism, road maintenance, fuel distribution, mining exploration and exploitation, forestry exploitation, construction, transportation and other ventures. The Société de développement de la Baie James will further be instructed by Québec to encourage economic and community development initiatives by James Bay Crees and Cree Enterprises and to favour joint ventures and partnerships in these regards.

10.9 Québec ensures that the SDBJ will, forthwith upon the execution of this Agreement, enter into negotiations with the CRA. It is intended that these negotiations be completed by March 31st, 2003 at the latest. These negotiations will address more particularly:

a) the relations between the Crees and SDBJ;

b) the concrete measures related to the implementation by the SDBJ of section 10.8 of this Agreement; and

c) updating the Agreement dated November 11th, 1975 between SDBJ and the Grand Council for the Crees (Eeyou Istchee).

10.10 At the latest September 30th, 2002, Québec will appoint one member of the Board of directors of the SDBJ from among the James Bay Crees and in consultation with the CRA.

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**POLICING SERVICES**

- 10.11 The parties agree to the principle of a Complementary Agreement to the JBNQA modifying its sub-sections 19.1 and 19.2 in order to apply a new concept of Cree regional policing:
- a) responsible for local policing services for the Cree communities including certain specialized services (Cree Category IA lands and Cree Category IB lands); and
  - b) assuming a role and responsibilities for policing services, in collaboration with the Sûreté du Québec, on Category II lands and on Category III lands contemplated by paragraph 22.1.6 of the JBNQA, the whole in accordance with arrangements which remain to be discussed between the Parties in consultation with the concerned police forces.
- 10.12 This Complementary Agreement will establish the number of Cree police officers according to a ratio of one (1) police officer for every two hundred and fifteen (215) Cree and non-Cree residents on Cree Category IA and IB lands. A total of sixty-five (65) police officers will be allocated upon the signature of the Complementary Agreement, for the duration of the tri-party and 5-year funding agreement to be concluded on Cree policing services. The review of the complement of police officers will thereafter take place every five (5) years, according to this ratio, provided however that the total of sixty-five (65) police officers will not be reduced by this review.
- 10.13 The funding for the Cree regional policing services will be assumed by the governments in accordance with the following formula: 52% assumed by Canada and 48% assumed by Québec.
- 10.14 The provisions of sections 10.11 to 10.13 will expire on March 31st, 2005 unless before that date:
- a) a tripartite agreement has been reached between Québec, the Cree Regional Authority and Canada concerning the terms and conditions of these modifications to sub-sections 19.1 and 19.2 of the JBNQA, and
  - b) a funding agreement has been reached between Québec, the Cree Regional Authority and Canada concerning the funding levels for the Cree regional policing services for the first five (5) years of its operations.
- 10.15 The parties agree that the date of March 31st, 2005 is an ultimate date and they rather wish to reach the required agreements as soon as possible and ideally before March 31st, 2003.
- 10.16 As interim measures:
- a) Québec agrees to fund its share (48%) of eight (8) additional Cree police officers as of April 1st, 2002, in accordance with the terms and conditions set out in the Agreement concerning funding for local Cree policing services signed in December 1998 between the Grand Council of the Crees (Eeyou Istchee), the Cree Regional

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Authority, Québec and Canada but subject to funding by Canada (52%) for these purposes;

b) the parties agree to seek an extension of the said Agreement concerning funding for local Cree policing services until the agreements set out in section 10.14 have been reached or, failing such agreements, until March 31st, 2005;

c) Québec will provide to the CRA on April 1st, 2002 its share (48%) of an additional non-recurrent amount of one hundred fifty thousand (\$150,000) in order to fund equipment and training for the additional Cree police officers but subject to funding by Canada (52%) for these purposes. Québec will also provide to the CRA its Share (48%) of an additional non-recurrent amount of two hundred fifty thousand (\$250,000) for such purposes when, as the case may be, the agreements set out in section 10.14 have been reached.

#### CONSERVATION OFFICERS

10.17 Québec will maintain its existing complement of Wildlife Conservation Officers in the Territory and it will train and hire the following additional Wildlife Conservation Officers by April 1st, 2003:

a) two (2) full-time Wildlife Conservation Officers for the traditional territory of the Chisasibi Band;

b) two (2) half-time Wildlife Conservation Officers for each of the traditional territories of the other Cree Bands, for a total of eight (8) additional equivalent full-time Wildlife Conservation Officers;

c) two (2) full-time Wildlife Conservation Officers assigned more particularly to the control of the territories adjacent to the construction sites of the EM 1 Project and of the Eastmain 1-A/Rupert Project. These agents will be subsequently assigned to the control of the Territory in accordance with the priorities determined in consultation with the Cree Regional Authority.

10.18 By April 1st, 2004, Québec will train and appoint one interested Cree hunter and trapper (normally the Cree tallyman) for Cree traplines in the area of Cree primary interest under the meaning of section 24 of the JBNQA as an Auxiliary Wildlife Territorial Officer, for the primary purpose of improving the enforcement of hunting, fishing and trapping legislation and regulations within each concerned trapline. The number of such auxiliaries will be between thirty (30) to fifty (50).

10.19 Should the population of the Territory increase substantially over the duration of this Agreement, Québec will train and hire additional Wildlife Conservation Officers in order to ensure an adequate control of hunting, fishing and trapping activities in the Territory.

## Agreement Concerning a New Relationship /50

**Chapter 11 – STANDING LIAISON COMMITTEE**

- 11.1 The parties hereby create a Standing Liaison Committee made up of an equal number of representatives designated by each party.
- 11.2 The Standing Liaison Committee comprises the representatives deemed useful by Québec (of which at least one of Administrator of State rank) in order to adequately carry out the mandate of the Committee. For at least the first three (3) years of its operations, the Secrétaire général associé du Secrétariat aux affaires autochtones and a representative designated by the Secrétaire général du Conseil exécutif will be members of the Committee.
- 11.3 The Standing Liaison Committee also comprises the Chief Representative of the Crees with Québec designated by the Cree Regional Authority as well as any other persons deemed useful by the Cree Regional Authority in order to adequately carry out the mandate of the Committee.
- 11.4 Normally, the representatives of each party at the Standing Liaison Committee will not exceed five (5) persons unless the representatives of the parties at this Committee agree otherwise. A representative on this committee may be occasionally substituted when the circumstances so require.
- 11.5 The Standing Liaison Committee will meet regularly.
- 11.6 The Standing Liaison Committee will have the following principal mandates:
- a) to act as a permanent forum of exchange and of coordination between the Crees and Québec in order to strengthen political, economic and social relations between Québec and the Crees;
  - b) to ensure the harmonious implementation of and efficient followup of this Agreement and to resolve other questions pertaining to the implementation of the James Bay and Northern Québec Agreement;
  - c) to act as a privileged forum between the Crees and Québec in order to find mutually acceptable solutions to disputes arising out of the interpretation or implementation of this Agreement or of the James Bay and Northern Québec Agreement when the mechanisms provided therein cannot resolve the dispute to the satisfaction of the parties;
  - d) to address any other issue which is referred to the Committee under the terms of this Agreement or which may be mutually agreed to by the representatives of the parties on the Committee.
- 11.7 The mandate of the Standing Liaison Committee is not to substitute itself for existing committees or forums provided for in the JBNQA or elsewhere, but rather to act as a mechanism to resolve major disputes which have not been otherwise resolved.

Agreement Concerning a New Relationship /51

11.8 The representatives of the parties on the Standing Liaison Committee will attempt in good faith to find appropriate and mutually acceptable solutions in regard to any subject raised with the Committee and they will strive in good faith to ensure the implementation of such solutions by the parties.

Agreement Concerning a New Relationship /52

## **Chapter 12 -- SETTLEMENT OF DISPUTES**

### **INTRODUCTION**

12.1 Generally, the parties will endeavour to avoid recourse to the judicial system for the purposes of the interpretation and implementation of this Agreement as well as of the James Bay and North Québec Agreement. To this end, the parties agree to put in place a dispute resolution mechanism to ensure that recourse to courts or other forums only occurs as a last resort.

### **DEFINITION**

12.2 For the purposes of this dispute resolution mechanism, a dispute is defined as any controversy, claim or disagreement arising out of the interpretation or implementation of the JBNQA or this Agreement and which is formally raised by any of the parties for these purposes.

### **PARTIES TO THE DISPUTE**

12.3 The only parties authorized to bring disputes for resolution under the present dispute resolution mechanism are the following parties to the JBNQA, namely:  
the “Native Party” as defined in Sub-section 1.11 of the JBNQA as regards the Crees, le Gouvernement du Québec, and with respect to disputes arising out of Chapter 8 of the JBNQA, in addition, the Société d’énergie de la Baie James and Hydro-Québec.

### **PROCEDURE TO BE FOLLOWED WITH RESPECT TO RESOLUTION OF DISPUTES**

12.4 The parties will endeavour in good faith to settle the dispute through cooperation and consultation in order to arrive at a mutually satisfactory solution.

12.5 Failing resolution by the parties themselves, the dispute shall be referred for resolution to the Standing Liaison Committee established pursuant to the provisions of chapter 11 of this Agreement.

12.6 Failing resolution by the Standing Liaison Committee, the dispute shall be referred to an independent and impartial third party for mediation as hereinafter set out:

a) the mediator shall be chosen jointly by the parties, and failing agreement, by a Judge of the Superior Court, upon application to the court;

b) the parties shall each submit to the mediator their views on the issue in dispute;

## Agreement Concerning a New Relationship /53

- c) the parties undertake that as a condition of the mediation process, to renounce to any prescription acquired and to agree that prescription (if applicable) of any right, claim or matter which is the subject of the dispute shall be interrupted and shall, if necessary, be specifically renounced from time to time until the mediator declares the mediation process to be at an end;
  - d) the mediation process and all proceedings in connection therewith shall be and will remain confidential;
  - e) the mediator shall not issue a Report or make any recommendations unless authorized to do so by all the parties;
  - f) any party may request that the mediator terminate the mediation process when there are reasonable and probable grounds to believe that, despite the best efforts of the parties acting in good faith, no settlement is likely to be reached in the dispute through mediation.
- 12.7 At any time during the course of the mediation process, the parties may agree to grant to the mediator the powers, authority and jurisdiction of an arbitrator, including those of an amiable compositeur, the whole within the meaning, and as set out in the *Civil Code of Québec* and the *Code of Civil Procedure of Québec*.
- 12.8 Each party will assume its expenses related to the mediation and half the expenses and fees of the mediator.

Agreement Concerning a New Relationship /54

**Chapter 13 -- FINAL PROVISIONS**

13.1 The preamble and the schedules to this Agreement form an integral part thereof.

13.2 This Agreement may be amended from time to time with the consent of Québec and of the Cree Regional Authority.

13.3 This Agreement shall come into force on the date of its signature by the Parties and shall end March 31st, 2052.

13.4 Not later than two (2) years before the expiry of this Agreement, the parties shall meet in order to discuss the possible extension or renewal of this Agreement.



Agreement Concerning a New Relationship /55

**IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED AT  
WASKAGANISH ON THIS 7th DAY OF FEBRUARY 2002**

FOR LE GOUVERNEMENT DU

QUÉBEC:

FOR THE GRAND COUNCIL OF THE  
CRIS (EYYOU ISTCHEE) AND THE  
CRI REGIONAL AUTHORITY :

Bernard Landry

Prime Minister

Ted Moses

Grand Chief of the Grand Council of the  
Crees (Eeyou Istchee)

Chairman of the Cree Regional Authority

Gilles Baril

Minister of State for Natural Resources  
and Regions

Minister of Natural Resources

Minister of Regions

Minister responsible for the Development  
of Northern Québec

Edward Gilpin

Chief of the Eastmain Band

Rémy Trudel

Minister of State for Population and  
Native Affairs

Minister for Native Affairs

Paul Gull

Chief of the Waswanipi Band

## Appendix B: Ad on research in the Nation magazine, Nov.10, 2006

## CLASSIFIEDS

BIRTHDAYS 100



**Our Sincere Appreciation**  
On September 5, 2006 at 10:10 pm a lovely little boy was born to Sasha Weisteche and Sydney Whiskeychan in Ottawa. They named him 'Emerson Samuel'. He came into this world like any normal delivery and with the blessing of the creator. However in a few days following, he became very sick and was hospitalized at the Children's Hospital of Eastern Ontario in Ottawa where he was admitted into the neo-natal intensive care ward. The doctors and nurses worked very hard to ensure his recovery. An expression of our humble gratitude to the following people: Jimmy (Grandpa) & family, Greta & Dave, Bill & Emily, Bill & Jeannie, Brian & Dec, Mary Jane & Paul, Joseph & Shiela, Kenny & Louise, Phoebe & Bethany, Willie & Louise, Dr. Ballou, Dr. Laberge, the medical staff at CHEO. For it was through your prayers, love and compassion that Emerson became well again. He went home after 7 days. God showered him with his mercy and we are all so glad. We praise him. God bless you all. Chief Robert Weisteche & Sherry Weisteche

BIRTHDAYS 101

I would like to wish a Happy 9th birthday to my Baby. Her name is Sarah-Jane Washipabano. She will celebrate her 9th birthday in North Bay, Ont on October 28th, 2006. HAPPY BIRTHDAY Baby Girl and many more to come. Love you from Mom

We would like to say happy birthday to our godson Timothy Matoush Jr. On November 1st/2006, hope you will have fun on your birthday boy, love you very much...From your Godparents (Wemindji)

I would to wish a happy 37 birthday to my colleague ( my co-worker), my neshdaow and a good friend that listens to me. You know what I mean. Leanne!! her b-day is on October 26, 2006. From Me-ur receptionist & secretary @ CLE in Chisasibi.

I would like to wish a girl up in northern quebec (i don't know where

exactly but I know she know who she be! happy 17 birthday on Nov.09.06! Nikkie-Laurie I met you at the age of 12 and I know you fell in love with me cause you stole ma heart. She was the prettiest girl I had ever seen, I treated her like a princess. I asked her out bout a month before her birthday she was my world. Now everyday I be missin her. Since the day she left I been lookin for her...Nikkie Remember that day you left and I told you I would always luv you? well I kept my word. I be luvin you and I always will. Nikkie (a.k.a mecy-ousou!) I miss u please tell me where you are and i'll come N' find you... Your Love: Sydney James (Cuddles)...xxoo P.S still have the locket I bot you! :D (k)

A birthday wish going to our Loving and Caring Daddy (Wasesguin Gunner) on November 16. AIA DADA Fr : your Girls Alishia & Cherish

Happy Birthday to My Husband Wasesguin Gunner on November 16. And Many more to come. Just to let you know that I Love you with all my Heart and Thank you for everything you've done for me. Agoodeh nee, your Wife Carole

I would like to wish a happy birthday to my grand mother Hattie Longchap (Mistissini) on Oct 13, 2006 and Amira Longchap (Montreal) on October 13, 2006. Last but not least my mother Anna Longchap (Montreal) on October 25, 2006...Kathleen Rabbitskin (Montreal) on Oct 17, 2006. Well you guys are wonderful people and I hope you had wonderful day on this special day that belongs to you only. May God bless your lives and may you find enrichment in all you do with those close to you. Much love, Jeannette Rojas (Montreal)

Related birthday wish going to someone very special in my life Ryan Erless on Sept 30th. I hope you had a great time on your special day. Also I wanted to thank you for everything you've done for me and staying with me when I was in Montreal. I know it was hard for you too but everything went okay. I love you so much bye with love Rachel

On November 21st, 2006, my son Trevor Leroy Moar will be celebrating his 16th Birthday. I wish you all the happiness in the world and many more birthdays to come. You are very special to me and I love you so much. All my love mom (Wask) My one and only granddaughter

Crystal Heaven Gilpin celebrated her 1st birthday on Oct 9/06 in Ottawa, Ont. She had a ONE-derful birthday celebration. I miss her so and so much shway-maah-shoo. oxoxoxox from granny @ Waskaganish

We would like to wish a happy birthday to our uncles. first Waldos birthday is on November 8, 2006 and Trevors birthday is on November 11, 2006. Happy birthday to you!! with love, Ashley and Saku Salt from Waskaganish.

I would like to wish a happy birthday to my brothers Waldo Whiskeychan on November 8, 2006 he will be celebrating his 20th birthday. Trevor Whiskeychan on November 11, 2006 he will be celebrating his 11th birthday. Happy birthday to you both and I love you both very much p.s Waldo don't party too much j/k from your sister Natalie Salt in Waskaganish

November 1st my intelligent handsome grandson Cameron Gilpin , enjoyed n' had a blast as he celebrated his 7th birthday with his friends. This one is for you Cameron. "Happy Sweetest 7th Birthday to you" "NOOGE SHWAY MAH-SHOE

NOOSCHUM". From huggable n' lovable Granny.

I would like to wish happy 24th birthday to my one and only Loubit love ... I hope you had a good one ... I love you so much have a great birth day...love always lsm (Whap)

We want to wish a happy belated 7th birthday to theoren on september 9 in whap, we miss you so much & we love you. from: mom & your sisters Happy birthday to my baby sister Paulina Matthewst(Small), who's birthday is on November 25 2006. Miss you and will be thinking of you . Hope you have fun With love Suzanne

To my son Antonio Jake Otter who will be turning 9 on November 8 2006. Hope you have fun on your special day there son. With love Dad

Someone special is turning 9 on November 8 2006 , that special someone is Antonio Jake Otter . Happy Birthday!!! Hope you have fun on blowing those candles out & opening your gifts. We wuv yah!! From your brother Nehemiah Salt and your baby sister Richelle all the way fr ( Wask) Qc.

## Notice to the Cree of Eeyou Istchee

In the coming months, I will be interviewing Cree people for my Ph.D. thesis entitled "The Paix des Braves Agreement of 2002: An Analysis of Cree Responses."

The research approach is based on understanding, not criticizing. There is no attempt to evaluate the Agreement or Cree responses to it in terms of good or bad, right or wrong. The main goal is to analyze this important event in Cree society in a way that leads to a better understanding of the connections between how things are talked about, thinking and values, and power and organization in Cree society.

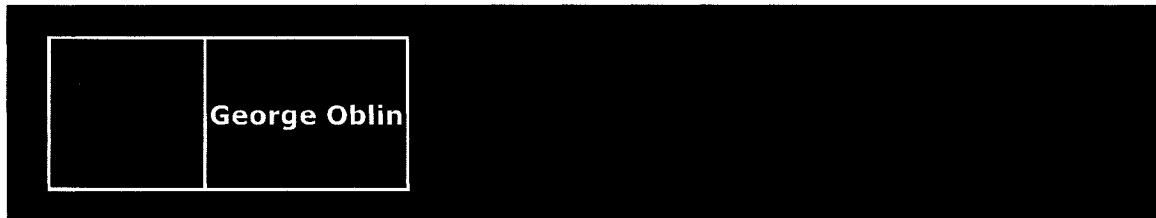
I am seeking Cree participants for this research to complete a questionnaire. Some will also be invited to participate in a focus group or do an interview, either in person or by telephone. Participants will have the option of either having their identity revealed or remaining anonymous. Those who agree to have their identity revealed will also have an option as to whether or not their photo can be used in a possible future publication based on this research.

For more information, go to [www3.telebecinternet.com/georgeoblin](http://www3.telebecinternet.com/georgeoblin). To participate in research, please contact me by e-mail at: [george.oblin@tlb.sympatico.ca](mailto:george.oblin@tlb.sympatico.ca)

Meegwetch.

George Oblin, Ph.D. Candidate in Communication Studies, Concordia University

## Appendix C Web page



### Notice to the Cree of Eeyou Istchee

In the coming months, until spring of 2007, I will be interviewing Cree people for my Ph.D. thesis entitled **"The Paix des Braves Agreement of 2002: An Analysis of Cree Responses."** The research approach is based on understanding, not criticizing. There is no attempt to evaluate the Agreement or Cree responses to it in terms of good or bad, right or wrong. The main goal is to analyze this important event in Cree society in a way that leads to a better understanding of the connections between how things are talked about, thinking and values, and power and organization in Cree society. I am seeking Cree participants for this research to complete a questionnaire (with consent forms). Some will also be invited to participate in a focus group or do an interview, either in person or by telephone. Participants will have the option of either having their identity revealed or remaining anonymous. Those who agree to have their identity revealed will also have an option as to whether or not their photo can be used in a possible future publication based on this research.

To participate in research, please send e-mail to [george.oblin@tlb.sympatico.ca](mailto:george.oblin@tlb.sympatico.ca) or mail:  
**P.O. Box 2015 Malartic , Qc J0Y 1Z0**  
**or complete & send both consent forms & questionnaire.**  
*Meegwetch.*

**George Oblin**  
**Ph.D. Candidate in Communication Studies Concordia University , Montreal , Quebec**

Updates:

View shoutbox

visitor

**582**

web hit counter

**584**

GoStats stats counter

Home : Questionnaire : Consent form : Consent for research  
 Webdude.ca Designs  
[www.webdude.ca](http://www.webdude.ca)

Thesis Research  
The Paix des Braves Agreement of 2002: An Analysis of Cree Responses

**George Oblin**  
Ph.D. Candidate, Communication Studies  
Concordia University, Montreal QC



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**DO QUESTIONNAIRE ONLINE**  
<http://www3.telebecinternet.com/georgeoblin>

## Appendix D: calling card

Thesis Research  
The Paix des Braves Agreement of 2002: An Analysis of Cree Responses

**George Oblin**  
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Concordia University, Montreal QC



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## Appendix E: List of interviewees

### CREE INTERVIEWEES (in alphabetical order)

NAME	DATE OF INTERVIEW	PARTICULARS	PLACE OF INTERVIEW	HOME COMMUNITY
<b>Face-to-face interviews:</b>				
Awashish, Philip	March 27, 2007	Cree elder	Montreal	Mistissini
Awashish, Solomon	March 27, 2007	Interim Communication Officer CBHSSJB	Montreal	Mistissini
Blacksmith, Flora	November 30, 2006	Legal Assistant	Waswanipi	Waswanipi
Bobbish, James	March 23, 2007	former Chief of Chisasibi & former Exec. Dir., CBHSSJB	Montreal	Chisasibi
Diamond, Billy	April 12, 2007	former Grand Chief & Chief; president of Niskamoon Corp.	Val d'Or	Waskaganish
Dixon, Paul	January 11, 2007	Cree Trappers Association	Waswanipi	Waswanipi
Kitchen, John	December 1, 2006	Chief of Waswanipi	Waswanipi	Waswanipi
Kitchen, Robert	January 10, 2007	former Chief of Waswanipi	Waswanipi	Waswanipi
Loon, Alfred	March 26, 2007	Economic Development Officer, CRA	Montreal	Mistissini
McLeod, Luke	November 27, 2006	Executive Director, JBCCS	Mistissini	Mistissini
Moses, Ted	June 21, 2007	former Grand Chief	Val d'Or	Eastmain
Mukash, Matthew	March 26, 2007	Grand Chief GCCEI/CRA	Montreal	Whapmagoostui
Neeposh, Derrick	November 30, 2006	Assistant Director General, Forest Authority	Waswanipi	Waswanipi
Ottereyes, Jackson	November 30, 2006	Assistant Local Environment Administrator	Waswanipi	Waswanipi

### Appendix E: List of interviewees (continued)

NAME	DATE OF INTERVIEW	PARTICULARS	PLACE OF INTERVIEW	HOME COMMUNITY
Pachanos, Violet	June 13, 2007	Chisasibi Dep. Chief & former Chief, chair of Képa Transport	Rivière-Héva	Chisasibi
Petawabano, Alice	November 28, 2006	Interim Dir. Municipal Services & Environment Admin.	Mistissini	Mistissini
Rupert, Abraham	April 24, 2007	Chief of Chisasibi	Chisasibi	Chisasibi
Saganash, Allan Jr.	November 30, 2006	Director General, Forest Authority	Waswanipi	Waswanipi
Confidential		60-year old male		
Confidential		46-year old male		

### Telephone interviews:

Neeposh, Irene	March 4, 2007	Corporate Secretary, Waswanipi Band		Waswanipi
Confidential		35-year old male		Whapmagoostui

### Focus groups:

	January 11, 2007	9 participants		Waswanipi
	April 25, 2007	4 participants		Chisasibi

### OTHER INTERVIEWEES

Morantz, Toby	March 29, 2007	Associate Professor, Anthropology, McGill U.		Montreal
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## Appendix F

### Interview and focus group questions

#### 1. Questions for face-to-face interviews

*The following generic set of questions served only as a guide for face-to-face interviews:*

1. How did you first learn about the AIP? What was your first reaction?
2. What was your main concern about the Agreement?
3. Did you have enough time and information to make a decision?
4. How much of an issue was language?... values?
5. How, in Cree society, do you balance concerns about tradition with economic concerns?
6. How did people become informed about the AIP?
7. Do you think the consultation tour was about letting people decide or was it a selling job?
8. Did people who were against the AIP have a fair chance?
9. What role did media play, community & regional radio & The Nation?
10. Why didn't more people vote in the referendum?
11. How well has the Cree leadership handled the Agreement issue?
12. In the long term, what do you think the main effects of the Paix des Braves will be?
13. What are your hopes for the future re the Paix des Braves?...regarding Cree society?
14. How do you perceive the present-day role of the Cree leadership?

## Appendix F (cont'd)

## 2. Questions for focus group interviews

*The following generic set of questions served only as a guide for focus group*

*discussions:*

1. Why do you think the *Paix des Braves* was such a hot issue among the Cree people?
2. How can you balance economic concerns with concerns for the land and tradition?
3. Did you have any concerns about the Agreement? If so, what were they?
4. Did you attend the consultation tour meetings? What was your impression?
5. Did everyone get an even chance to be heard?
6. Where did you get most of your information about the Agreement?
7. Were you surprised at the referendum results? Why or why not?
8. How well did the Cree leadership handle the issue?
9. How do you see the role of the leadership?
10. What significance does gender have in leadership and decision-making?
11. What is the place of elders? Of youth?
12. Other comments?



**Appendix G: This questionnaire can be completed either on paper or on-line**  
*Questionnaire on Communication Issues relating to AIP/Paix des Braves page 1*

DATE: \_\_\_\_\_ HOME COMMUNITY: \_\_\_\_\_

NAME: \_\_\_\_\_ OR  ANONYMOUS

Do you agree to be contacted by telephone or e-mail to answer more questions? yes \_\_\_ no \_\_\_

➤ If yes, telephone number: \_\_\_\_\_ e-mail address: \_\_\_\_\_

If a focus group is set up in your community are you willing to participate ? yes \_\_\_ no \_\_\_

➤ If you are selected for a focus group, where can you be reached to confirm time and place?  
 Same phone number as above  or \_\_\_\_\_

Male  Female Age \_\_\_\_\_

1a) Did you vote in the referendum on the AIP?  Yes  No

b) If No...why not? Choose one answer only

- Unsure how to vote
- Not interested
- Was sure the Agreement was a done deal
- Was sure the Agreement would be rejected
- Unable for personal reasons

OPTIONAL c) If Yes...did you vote "YES"  Yes  No  
 Do not answer if you prefer not to.

2a) Whether you voted or not, what are the concerns that most influenced your decision to support or not support the AIP/Paix des Braves?

(Put in order 1-4)

- Economic concerns \_\_\_\_\_
- Social concerns \_\_\_\_\_
- Cultural concerns \_\_\_\_\_
- Environmental concerns \_\_\_\_\_

b) Other concerns : (specify) \_\_\_\_\_

c) The best people to address your main concerns are...  
 (Put in order 1-4)

:elders \_\_\_ :professionals \_\_\_ :family & friends \_\_\_ :Cree leaders \_\_\_

Other (specify) \_\_\_\_\_

3. Did the Cree leadership do a good job communicating with the people about the AIP/Paix des Braves? Yes  No  Comments:

...CONTINUE ON OTHER SIDE OF PAGE IF ADDITIONAL SPACE IS NEEDED

## Appendix G ...2

NAME (OPTIONAL)

COMMUNITY DATE

*Questionnaire on Communication Issues relating to AIP/Paix des Braves*

page 2

4. The main goal of the Cree leadership consultation tour regarding the AIP/Paix des Braves was to

...

- Let the people decide.  
 Convince the people to accept the Agreement.  
 Other (specify): \_\_\_\_\_

5. Do you think people AGAINST the AIP were given the same opportunity to communicate their ideas to the Cree leadership as those FOR the Agreement?

yes  no 

Comments: \_\_\_\_\_

...CONTINUE ON OTHER SIDE OF PAGE IF ADDITIONAL SPACE IS NEEDED

6. The information that most influenced your decision to support or not support the AIP/Paix des Braves came from...

(Put in order 1-7)

- Cree community radio \_\_\_\_\_
  - JBCCS (Cree regional radio) \_\_\_\_\_
  - CBC Cree programming \_\_\_\_\_
  - the Nation magazine \_\_\_\_\_
  - Consultation tour meetings \_\_\_\_\_
  - Family & friends \_\_\_\_\_
  - Mainstream media (newspapers, radio, TV, magazines) \_\_\_\_\_
- Other sources of information: (specify) \_\_\_\_\_

7. The biggest problem in understanding the AIP was...

(Put in order 1-3)

:language issues \_\_\_ :lack of information \_\_\_ :lack of time \_\_\_

Other(specify) \_\_\_\_\_



<sup>72</sup>Appendix H: Analysis of questionnaire responses (see text for further analysis).

*Research was focused mainly on the inland community of Waswanipi (population 1500) and the coastal community of Chisasibi (population 3,746). Questionnaire results from “other” Cree communities were combined (population of other communities combined, 8,966).<sup>73</sup>*

## RELEVANT PARTICIPANT INFORMATION

- Number of questionnaires

	Distributed	Gathered <sup>74</sup>	% Returned	% of all Qs gathered
Waswanipi:	150	64	43%	67%
Chisasibi:	150	22	15%	23%
Other:	<u>50</u>	<u>10</u>	20%	<u>10%</u>
Total:	350	96	27% overall	100%

- Gender of participants

	Male		Female		Anonymous (did not indicate)	
	No.	%	No.	%	No.	%
Waswanipi:	44	69%	20	31%		
Chisasibi:	9	41%	11	50%	2	9%
Other:	<u>7</u>	<u>70%</u>	<u>3</u>	<u>30%</u>	—	
Total	60	63%	34	35%	2	2%

- Age groups

	35 and under		36-64		over 65		Undeclared	
	No.	%	No.	%	No.	%	No.	%
Waswanipi:	32	50%	23	36%	1	2%	8	13%
Chisasibi:	4	18%	15	68%			3	14%
Other:	<u>5</u>	<u>50%</u>	<u>5</u>	<u>50%</u>	—		—	
Total	41	43%	43	45%	1	1%	11	11%

<sup>72</sup> Some percentage totals may be 99 or 101 due to rounding.

<sup>73</sup> All Cree population statistics date from April 2007 as provided by James Diamond, GCCEI/CRA.

<sup>74</sup> The number of questionnaires gathered includes the 4 submitted via my web site. This number was not significant enough to consider separately.

## BREAKDOWN OF QUESTIONNAIRE RESPONSES

*Question #1a:* Voted in referendum.

	Did vote		Did not vote		Undeclared	
	No.	%	No.	%	No.	%
Waswanipi:	35	55%	27	42%	2	3%
Chisasibi:	16	73%	5	23%	1	5%
Other:	<u>6</u>	60%	<u>4</u>	40%	—	
Total	57	59%	36	38%	3	3%

*Question #1b:* Reason for not voting.

	Unsure how		Not interested		Done deal		Would be rejected		Personal reasons	
	No.	%	No.	%	No.	%	No.	%	No./ %	
Waswanipi:	0		0		0		0		4/ 6%	
Chisasibi:	0		0		1	5%	0		4/ 18%	
Other:	0		0		<u>0</u>		0		2/ 20%	
Total					1	9%			10/91%	

Only 11 of 96 people answered this question and 10 of those indicated “personal reasons.” In retrospect, that catch-all option should not have been included.

*Question #1c:* Voted “YES” in the referendum.

	Yes		No		Undeclared	
	No.	%	No.	%	No.	%
Waswanipi:	21	33%	5	8%	38	59%
Chisasibi:	1	5%	9	41%	12	55%
Other:	<u>3</u>	30%	<u>3</u>	30%	<u>4</u>	40%
Total	25	26%	17	18%	54	56%

*Question #2a:*

	Main Concern.									
	Economic		Social		Cultural		Environmental		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%
Waswanipi:	14	22%	7	11%	16	25%	19	30%	8	12%
Chisasibi:	2	9%	2	9%	4	18%	10	45%	4	18%
Other:	<u>3</u>	30%	<u>3</u>	30%	<u>1</u>	10%	<u>1</u>	10%	<u>2</u>	20%
Total	19	20%	12	12%	21	22%	30	31%	14	15%

*Question #2b:* Other<sup>75</sup> concerns (no significant data).

*Question #2c:* Best people to deal with concerns

	Elders		Professionals		Family & friends		Leaders		Other/ Undecl	
	No.	%	No.	%	No.	%	No.	%	No.	%
Waswanipi:	17	27%	6	9%	5	8%	22	34%	14	22%
Chisasibi:	10	45%	3	14%	2	9%	6	27%	1	5%
Other:	<u>3</u>	30%	<u>2</u>	20%	<u>2</u>	20%	<u>2</u>	20%	<u>1</u>	10%
Total	30	31%	11	11%	9	9%	30	31%	16	17%

*Question #3:* Leadership communication approval.

	Yes		No		Undeclared	
	No.	%	No.	%	No.	%
Waswanipi:	20	31%	36	56%	8	13%
Chisasibi:	1	5%	16	73%	5	23%
Other:	<u>3</u>	30%	<u>5</u>	50%	<u>2</u>	20%
Total	24	25%	57	59%	15	16%

*Question #4:* Perceived goal of consultation tour.

	Let people decide		Convince people		Other	
	No.	%	No.	%	No.	%
Waswanipi:	33	53%	20	32%	9	15%
Chisasibi:	2	9%	14	64%	6	27%
Other:	<u>0</u>		<u>8</u>	80%	<u>2</u>	20%
Total	35	36%	44	46%	17	18%

*Question #5:* Fairness to opponents of AIP.

	Yes		No		Other	
	No.	%	No.	%	No.	%
Waswanipi:	22	34%	33	52%	9	14%
Chisasibi:	1	5%	16	73%	5	23%
Other:	<u>2</u>	20%	<u>7</u>	70%	<u>1</u>	10%
Total	25	26%	56	58%	15	16%

<sup>75</sup> Where "other" is requested, the details can be found within the relevant section of text in the thesis.

**Question #6: Most influential source of information.**

	Community radio	JBCCS regional radio	CBC Cree radio	The <i>Nation</i> magazine	Consultation tour	Family & friends	Mainstream media	Other/Undeclrd						
No.	%	No.	%	No.	%	No.	%	No.	%					
Waswanipi:	7	11%	3	5%	7	11%	15	23%	13	20%	4	6%	8	13%
Chisasibi:	0	1	5%	0	0	27%	6	27%	7	32%	0	0	8	36%
Other:	0	0	0	0	3	30%	3	30%	1	10%	1	10%	5	50%
Total	7	7%	8	8%	3	3%	7	7%	24	25%	21	22%	5	5%

*Question #7: Biggest problem in understanding Agreement.*

	Language		Lack of information		Lack of time		Undeclared	
	No.	%	No.	%	No.	%	No.	%
Waswanipi:	8	13%	23	36%	27	42%	6	9%
Chisasibi:	2	9%	7	32%	7	32%	6	27%
Other:	<u>1</u>	10%	<u>1</u>	10%	<u>5</u>	50%	<u>3</u>	30%
Total	11	11%	31	32%	39	41%	15	16%

*Question #8: Information received in Cree.*

	None or little		A fair amount		Most		Undeclared	
	No.	%	No.	%	No.	%	No.	%
Waswanipi:	27	42%	26	41%	2	3%	9	14%
Chisasibi:	12	55%	8	36%	1	5%	1	5%
Other:	<u>6</u>	60%	<u>3</u>	30%	<u>1</u>	10%	—	—
Total	45	47%	37	39%	4	4%	10	10%

*Question #9: Importance of getting Cree information.*

	Not at all/hardly		Fairly		Very		Undeclared	
	No.	%	No.	%	No.	%	No.	%
Waswanipi:	12	19%	28	44%	17	27%	7	11%
Chisasibi:	6	27%	4	18%	12	55%	—	—
Other:	<u>4</u>	40%	<u>3</u>	30%	<u>3</u>	30%	—	—
Total	22	23%	35	36%	32	33%	7	7%

*Question #10: Clarity of Cree information.*

	Not very		Fairly clear		Very clear		Undecl	
	No.	%	No.	%	No.	%	No.	%
Waswanipi:	24	35%	27	44%	3	5%	10	16%
Chisasibi:	16	73%	1	5%	1	5%	4	18%
Other:	<u>5</u>	50%	<u>2</u>	20%	<u>0</u>	—	<u>3</u>	30%
Total	45	47%	30	31%	4	4%	17	18%

*Question #11: Made an informed decision.*

	Yes		No		Undeclared	
	No.	%	No.	%	No.	%
Waswanipi:	27	42%	33	52%	4	6%
Chisasibi:	8	36%	13	59%	1	5%
Other:	<u>5</u>	50%	<u>5</u>	50%	—	—
Total	40	42%	51	53%	5	5%



Question #12:	Would vote 'yes' in a referendum now.					
	Yes		No		Undeclared	
	No.	%	No.	%	No.	%
Waswanipi:	23	36%	25	39%	16	25%
Chisasibi:	4	18%	16	73%	2	9%
Other:	<u>1</u>	10%	<u>7</u>	70%	<u>2</u>	20%
	28	29%	48	50%	20	21%

As noted above there are 3 sets of questionnaire results (see Appendix I) from which the above numbers and percentages just described have been obtained. These include “Waswanipi”, “Chisasibi”, and “Other Communities.” These are the summary conclusions derived from the raw data which follows in order to provide the reader interested in statistics with the actual research results before being processed. In order to facilitate interpretation of these attached questionnaire results, I have provided the reader with some explanatory notes which follow:

- The column entitled “**number**” represents the number assigned to each individual questionnaire returned. None of the research participant identities were revealed within this analysis. Some questionnaires were completed on a “non-confidential” basis, which left me the option of quoting these participants by name with regard to comments made on the questionnaire. However, I decided in the end that this was unnecessary and quoted all questionnaire comments on a confidential basis.
- The column entitled “**age**” indicates the age of participants. Overall, 11% did not provide this information and the space was simply left blank.
- The column entitled “**gender**” indicates the gender of participants. Only 2% did not provide this information.

- The column entitled “**date**” indicates the date of completion of the questionnaire.
- The column entitled “**particip**” indicates whether participation was “confidential” or “non-confidential.” As stated, it was decided to treat all questionnaire information as confidential.
- The column entitled “**photo**” indicates whether the participant would allow the use of their photo in the potential publication of a book based on this thesis. In the end it was decided that only interviewees would be asked for the use of their photos.
- The column entitled “**speeches**” pertains to the granting of permission to quote research participants in conferences or speeches, in keeping with the university’s Ethics Committee requirements.
- The column entitled “**focus grp**” indicates whether or not a participant was willing to participate in a focus group for this thesis research.
- The column entitled “**1**” pertains to question #1 on the questionnaire.
- Columns entitled “**1b**” to “**12**” pertain to subsequent questions of the questionnaire, including all sub-sections, (see Appendix G, Questionnaire).

Other entries on the 3 questionnaire results pages should be self-explanatory when viewing these in relation to the questions they pertain to on the questionnaire.

Nonetheless, here are a few additional clarifications:

- Columns 2.1 -2.4 pertain to question #2 on the questionnaire where people were asked to prioritise their concerns that most influenced their decision whether or

not to support the *Paix des Braves*. These were entered as EC (economic concerns), SO (social concerns), CU (cultural concerns), and EN (environmental concerns).

- Columns 2c.1-2c.4 pertain to the prioritisation of “the best people to address your main concerns,” question 2c on the questionnaire. These were entered as E (elders), P (professionals), F (family & friends), and L (Cree leaders).
- Columns 6.1-6.7 pertain to the prioritisation of influences on the decision to support or not support the Agreement, question 6 on the questionnaire. These were entered as CR (community radio), JB (JBCCS, the Cree regional radio network), CB (CBC Cree radio programming), NM (the *Nation* magazine, CT (consultation tour meetings), FF (family & friends), and MM (mainstream media).
- Columns 7.1-7.3 pertain to the prioritisation of “the biggest problem in understanding the AIP,” question 7 on the questionnaire. These were entered as LA (language issues), IN (lack of information), and TI (lack of time).
- Column 8 indicates answers to “How much of the information on the AIP did you receive in Cree?” entered as N (none or little), F (a fair amount, or M (most).
- Column 9 indicates answers to “How important was it for you to get information in Cree to understand the AIP/*Paix des Braves*?” entered as N (not at all or hardly), F (fairly important), or V (very important).
- Column 10 indicates answers to “How clear was the information in Cree?” entered as N (not very), F (fairly clear), or V (very clear).

- Asterisks indicate that additional comments are contained within the questionnaire on a particular point. These were integrated into the overall analysis.

Questionnaire spreadsheets: Waswanipi, Chisasibi, Other Cree communities																
Waswanipi number	age	gender	date	particip.	photo	speeches	focus grp	1a	1b	1c	2.1	2.2	2.3	2.4	Appendix I	
				non-conf		yes	yes	YES	YES	YES	EC	CU	SO	EC	2c.1	2c.2
1	45	male	02/11/06	non-conf	yes	yes	no	NO	NO	YES	EN	CU	SO	EC	F	L
2	31	female	02/11/06	conf	no	no	NO	NO	NO		EN	CU	EN	SO	F	L
3	31	male	02/11/06	conf	no	no	NO	YES	YES		CU	EN	EC	SO	E	F
4	26	male	02/11/06	conf	no	yes	no	YES	YES		EN	EC	SO	CU	L	E
5	33	male	03/11/06	conf	no	yes	yes	YES	YES		EC	SO	CU	EN	F	F
6	39	male	03/11/06	conf	yes	yes	yes	YES	YES		CU	SO	EC	EN	L	E
7	20	male	05/11/06	non-conf	yes	yes	no	NO	NO		CU	SO	EC	EN	L	E
8	22	male	06/11/06	conf	no	yes	no	NO	NO		CU	EN	SO	EC	L	P
9	36	female	05/11/06	conf	no	yes	yes	NO	NO		SO					
10	55	female	01/12/06	conf	no	yes	yes	YES	YES		SO	CU	EC	EN	L	E
11	34	female	28/11/06	conf	no	yes	yes	YES	YES		CU	EN	SO	EC	F	E
12	41	male	04/12/06	non-conf	no	yes	no	YES	YES		EC	SO	EN	CU	L	E
13	35	male	14/12/06	conf	no	yes	yes	NO	2		CU	EC	SO	EN	L	F
14	52	male	30/12/06	conf	no	yes	yes	YES	NO		CU	EN	SO	EC	L	E
15		male	30/11/06	non-conf	yes	yes	yes	NO	5		CU	SO	EC	EN	E	
16		male	11/01/07	conf	yes	yes	yes	NO	5		CU	SO	EC	EN	E	
17	67	female	12/01/07	conf	no	yes	yes	YES	YES		EN	CU	EC	SO	L	P
18	36	male	12/01/07	conf	yes	yes	yes	YES	YES		EN	CU	EC	SO	L	F
19	32	male	12/01/07	conf	no	yes	yes	YES	NO		CU	SO	EN	EC	E	F
20	31	male	12/01/07	conf		yes	yes	YES	YES		EC	SO	EN	CU	L	P
21	39	male	11/01/07	conf	yes	yes	yes	YES	YES		EN	EC	CU	SO	E	L
22	31	female	11/01/07	conf	no	no	yes	YES	YES		EN	EN	CU	SO	E	L
23	32	female	11/01/07	conf	no	yes	yes	YES	YES		EN	CU	EC	SO	E	L
24	42	male	10/01/07	conf	no	yes	yes	NO	3		CU-EN				values	
25	30	male	11/12/07	conf	yes	yes	yes	NO	1		CU				E	F
26	47	male	11/01/07	conf	yes	yes	yes	NO	YES		CU	EN	SO	EC	E	F
27		male	11/01/07	conf	no	yes	no	YES	YES		EC/SO/CU				L	
28	33	female	11/01/07	conf	no	yes	no	YES	YES		EN	CU	SO	EC	employment L	P
29	34	male	11/01/07	conf	no	yes	yes	YES	YES		EN	CU	SO	EC	L	F
30	48	male	11/01/07	conf	no	yes	yes	NO	NO		EC	SO	EN	CU	E	L
31	50	male	11/01/07	non-conf	yes	yes	yes	NO	5		EC	SO	CU	EN	L	E
32	45	male	11/01/07	non-conf	no	yes	yes	YES	YES		EC				L	
33	30	male	11/01/07	non-conf	yes	yes	yes	YES	YES		CU				E/I/F/L	
34		male		conf	no	no	yes	NO	5		EN				E	
35	28	male	11/01/07	conf	yes	yes	yes	NO	5		EN	SO	EC	CU	P	L
36	24	male	11/01/07	conf	no	yes	yes	NO	3		EN	SO	EC	CU		

Waswanipi number	2c.3	2c.4	2cOther self	3	4 L goal	4 Other	5	5-C	Appendix I							
									6.1	6.2	6.3	6.4	6.5	6.6	6.7	6 Other workplace
1	P	E	P	NO	C		NO		FF	CT	MM	NM	CR	JB	CB	
2	E	P		NO	C		NO	*	FF	CT		FF	CB	NM	CR	
3				NO	C	VERIFY	NO		CT	MM		FF	CB	NM	CR	
4	L	P	future generations	NO	D		NO		MM	NM	JB	CB	CR	CT	FF	
5	P	F		YES	D		YES		CT	NM	CR	JB	CB	FF	MM	
6	E	L	youth leaders	YES	D		YES		NM	NM	CR	JB	CB	FF	MM	
7	P	F		YES	D		YES		NM	CR	JB	CB	CT	MM	FF	
8	E	F		NO	D		NO		JB	CB	NM	CT	CR	MM	FF	
9																
10	P	F		YES	C		NO		CB	NM	CR	JB	CT	FF	MM	
11	P	L		NO	D		YES		FF	CR						
12	P	F		YES	D		YES		NM	CT	FF	CR	JB	MM	CB	
13	E	P		NO	C		NO		JB	CT	CR	CB	NM	MM	FF	
14	P	F		NO	C		NO		NM	FF	JB	CR	CB	CR	CR	
15				YES	inform		YES		JB/NM							
16				NO	D		NO		CT							
17	E	F		YES	D		YES		CT	JB	NM	FF	MM	CR	CB	
18	E	P		NO	D		YES	*	JB	JB	CB	NM	CT	FF	MM	
19	P	L		YES	C		NO		FF	CT	NM	MM	CR	JB	CB	
20	F	E		YES	D		YES	*	CR	JB	NM	CT	CB	FF	MM	
21	P	F		YES	D		YES		CT	JB	CR	CB	NM	MM	FF	
22	P	F		NO	C		NO		CR	JB	NM	CT	CB	FF	MM	
23				NO	O*		NO		FF							
24				YES	D		YES		NM							
25	L	P	government tallymen	NO	C		NO	*	CR	CT	FF	MM	NM	CB	JB	
26				YES	D		YES		JB/NM							
27	E	F		NO*	C		NO		CT/MM							
28	E	P		NO*	C		YES	*	FF							
29	P	F		NO	D		NO		CT	FF	NM	CB	JB	MM	CR	
30				NO	D		NO									
31	P	F	spiritual leaders	YES	D		YES	*	CT	MM	JB	CR	FF	CB	NM	*
32				NO	D		NO	*	FF	JB	CR	NM	CB	CT	MM	
33				YES	D		NO		CR							
34				YES	D		NO		JB							
35	E	F		NO	C		NO	*	MM	CB	NM	CT	FF	JB	CR	
36			future generations	NO	D		NO	*	CT							

Waswanipi number	7.2	7.3	7 Other	8	9	10	11	11-C	12
1	LA	TI					YES		YES
2	TI	IN	F	F	F	N	YES	*	NO
3	LA	IN	N	N	N	N	NO		NO
4	TI	LA			N	N	NO		?
5	TI	LA	N	N	N	N	YES		YES
6	LA	IN	F	F	F	F	YES		YES
7	TI	LA	N	N	V	F	NO		YES
8	IN	LA	N	N	N	N	NO		YES
9									
10			N	F	F	F	NO		?
11	IN	TI	N	N	N	N	NO		NO
12	IN	LA	F	F	F	F	YES		YES
13	TI	LA	F	F	F	F	NO	*	
14	TI	TI	N	N	N	N	YES	*	NO
15			N	N	F	N	NO		NO
16	TI	LA	N	N	F	N	NO		NO
17	LA	IN	M	V	V	F	YES	*	YES
18	TI	LA	F	V	V	V	YES	*	YES
19	IN	LA	F	F	F	F	YES		YES
20	LA	IN	F	F	F	F	YES	*	
21	LA	IN	F	V	F	F	YES		YES
22	LA	TI	N	V	N	N	NO		YES
23							NO	*	
24			F	F	F	F	YES		YES
25			*	N	V	N	NO	*	
26			*	F	F	V	YES		YES
27				F	F	F	YES	*	YES
28				N	F	V	YES	*	
29	IN	LA	N	N	V	N	NO		NO
30	IN	LA	F	N	N	N	NO		YES
31	IN	LA	*	N	N	F	YES	*	YES
32			N	N	F	F	YES	*	NO
33			F	N	N	N	NO		NO
34			N	N	V	F	NO		NO
35	TI	IN	F	F	V	N	NO		YES
36			N	N	V	N	NO	*	NO

Appendix I

Appendix I

Waswanipi number	age	gender	date	particip.	photo	speeches	focus grp	1 b	1 c	2.1	2.2	2.3	2.4 2b	2c.1	2c.2
37	39	female	11/01/07	conf	no	yes	NO	3		EN	CU	SO	EC	L	E
38	62	female	11/01/07	conf	no	no	YES			EN	EC	SO	CU	P	L
39	32	male	11/01/07	conf	yes	no	NO	5		EN	SO	SO		L	
40	36	female	11/01/07	non-conf	yes	yes	YES		NO	EN	CU	SO	EC	L	E
41	27	male	11/01/07	conf	yes	yes	NO	5		SO	EN	CU	EC	L	E
42	20	female	11/01/07	conf	no	no	NO	1		EC	SO	EN	CU		
43		male	11/01/07	conf	no	no	NO								
44	20	male	11/01/07	conf	yes	no	YES			SO				F	L
45	44	male	11/01/07	non-conf	yes	yes	YES		YES	EC	CU	SO	EN	L	E
46	27	male	11/01/07	non-conf	yes	yes	YES		YES	EC	CU	SO	EN	F	E
47	25	male	11/01/07	conf	no	yes	NO	5*	*	CU	EN	SO	EC	E	L
48		male	11/01/07	conf	yes	yes	NO	5*		SO	EC	CU	EN	E/F	
49	50	male	11/01/07	non-conf	yes	yes	YES		NO	CU	EN	SO	EC	L	
50	59	male	11/01/07	conf	yes	yes	YES		YES	EN	EC	SO	CU		
51	48	male	11/01/07	conf	yes	yes	YES		YES	EC	CU	EN	SO	P	L
52	33	female	11/01/07	conf	yes	yes	YES		YES	SO	EN	CU	EC	YOUTH	F
53	32	male	11/01/07	conf	no	yes	NO	3		CU/EN					E/L
54	31	female	11/01/07	non-conf	no	yes	YES			EN	SO	EC	CU	F	E
55	22	female	10/01/07	conf	no	yes	YES			CU	EN	EC	SO	E	
56	48	female	11/01/07	conf	no	yes	YES		NO	CU	SO	EC	EN	E/F	
57		female	11/01/07	conf	no	no	NO	5*		SO	EN	CU	EC	E	L
58	36	female	11/01/07	conf	no	no	NO	5		EN	CU	SO	EC	E	L
59	26	male	12/01/07	conf	no	yes	YES			EN	EC	CU	SO	E	L
60		female	13/01/07	conf	no	yes	NO	3		EN	EC	CU	SO	E	F
61	25	male	06/11/06	conf	no	yes	YES		YES	EN				P	L
62	21	male	07/11/06	conf	no	no	NO			CU	EC	EN	SO	E	L
63	18	female	09/05/07	non-conf	no	yes	NO	5*		EN	CU	SO	EC	E	P



Waswanipi number	2c.3	2c.4	2cother leaders	3 4 L goal	4 other	5 5C *	Appendix I									
							6.1	6.2	6.3	6.4	6.5	6.6	6.7	6 Other		
37	F	P		NO			MM	CT	FF	NM	CR	CR	JB	CB		
38	E	F		NO		NO	CT	JB	CB	CR	MM		NM	FF		
39				YES		YES	CT									
40	F	P		NO		NO	FF	NM	CT	CR	JB		CB	MM		
41	F	P		NO		NO	FF									
42				YES		YES	NM	FF	JB	CR	MM		CB	CT		
43				NO												
44	E	P		NO*		NO	CT	CR	NM	CB	FF		JB	MM		
45	F	P		YES	*	YES	CT	FF	CR	JB	CB		NM	MM		
46	L	P		NO		NO	FF	NM	JB	CT	CB		CR	MM		
47	F	P		NO		YES	NM	JB	CR	FF	MM		CB	CT		
48				NO		NO	FF	NM	CR	JB	CB		CT	MM		
49			hunting society	NO			hunters	FF	NM	JB	CT		MM	CB	CR	
50				YES			CR	JB	CB	FF	NM		CT	MM		
51	E	F		NO		NO	CR	CB	JB	NM	CT		MM	FF		
52	E	P	L	YES	*		CT	CB	JB	MM	CR		FF			
53				YES			NM									
54	L	P		NO		NO	CB	JB	CT	FF	NM		CR	MM		
55				NO		YES	MM	FF	CR	JB	NM		CB	CT		
56			youth	NO			JB	CB	FF	CR	NM		MM	CT		
57	P	F		NO		NO	FF	MM	CB	NM	JB		CR	CT		
58	F	P		YES		YES	CB	CR	NM	FF	CT		JB	MM		
59	P	L		YES		YES	JB	CB	MM	FF	CT		NM	CR		
60	F	E		NO		NO	CT	CR	CB	JB	FF		MM	NM		
61				YES		YES	JB									
62	F	P		NO*			JB	NM	MM	CR	FF		CB	CT		
63	F	L		NO*	*		FF	MM	JB	CB	CT		NM	CR	*	

Waswanipi number	7.2	7.3	7 Other	8	9	10	11	11-C	12
37			*						
38	TI	LA		V	F	NO			NO
39				F	N	YES			?
40	IN	LA		F	F	NO			YES
41	TI	LA		F	N	NO			NO
42	IN	TI		F	N	NO			NO
43					F	YES			
44				N	N	NO			
45	LA	IN		V	F	YES			NO
46	TI	LA		F	N	YES			YES
47	IN	LA		F	F	YES			NO
48				F	F	YES			NO
49				N	N	NO	*		NO
50				N	N	YES			NO
51	LA	TI		F	F	NO			YES
52	LA	IN		N	F	YES			YES
53				V	F	NO			
54				F		NO			
55	TI	LA		F	F	NO			
56									NO
57	IN	LA		V		NO			
58	IN	TI		N	F	YES			NO
59	LA	IN		F	F	YES			YES
60	TI	LA		V	N	NO			NO
61				F	F	NO			NO
62	TI	IN		F	F	NO			?
63	LA	IN	*	N	N	NO	*		NO

**Questionnaire spreadsheets: Wawanipi, Chisasibi, Other Cree communities**

Chisasibi number	age	gender	date	particip.	photo	speeches	focus grp	1a	1b	1c	2.1	2.2	2.3	2.4	Appendix I	2c.1	2c.2
1	anon		24/04/07	conf	no	no	no	YES			EN	SO	CU	EC	2.4	L	P
2	42	female	24/04/07	conf	no	no	no	YES			CU	EN	SO	EC	2b	L	E
3	56	female	25/04/07	conf	no	no	no	YES			EN	CU	EC	SO		P	E
4	34	female	24/04/07	conf	no	no	no	NO	3		EN	CU	SO	EC	safety	L	P
5	53	male	24/04/07	conf	no	yes	yes	YES		NO	EN	SO	CU	EC		L	E
6	34	male	24/04/07	conf	no	no	no	YES		YES	EC	SO	CU	EN		P	E
7			24/07/07	conf	no	yes	no	NO	5		SO	CU	EN	EC		E	E
8	47	male	25/04/07	conf	no			YES			EN	CU	SO	EC		E	F
9	50	female	25/04/07	non-conf			yes	NO	5		EN	CU	SO	EC		E	F
10	30	female	25/04/07	non-conf	yes			YES		NO	EC	CU	EN	SO		E	L
11	32	female	25/04/07	non-conf	yes	yes	yes	YES		NO	EN	CU	SO	EC		L	E
12	53	female	25/04/07	conf	yes	yes	yes	YES		NO	CU	SO	EN	EC		E	L
13	41	male	25/04/07	conf	no	yes	yes	NO	5			SO	EN	EC		E	F
14	52	male	25/04/07	non-conf	yes	yes	yes	YES		NO	EN	CU	SO	EC		F	E
15	48	female	24/04/97	non-conf	no	yes	yes	YES		NO	CU	EN	SO	EC	health	E	F
16	56	male	24/04/07	conf	no			YES		NO	EN	CU	SO	EC		E	F
17	39	female	25/04/97				yes	YES		NO						E	F
18		male		conf	no	no		YES		NO						E	F
19	50	female	25/04/07	non-conf		yes	yes	YES		NO	CU	SO	EN	EC		E	F
20	55	female	24/04/07		no	yes	yes	NO	5		EN					F	E
21	51	male	26/04/07	conf	no	yes	yes	YES		NO	EN	SO	CU	EC	future gens.	E	L
22	36	male	24/04/07	conf	no	yes	yes	YES		NO	SO	CU	EC	EN		L	P

Chisasibi number	2c.3	2c.4	2cOther	3	4 L goal	4 Other	5	5-C	6.1	6.2	6.3	6.4	6.5	6.6
1	E	F		NO		*	NO	*	FF	CT	JB	CR	MM	CB
2	P	F		NO	C		NO	*	CT	FF	CR	JB	CB	NM
3	L	F		NO	C		NO	*	CT	MM	FF	CR	NM	JB
4	E	F		NO	C		NO	*	CT	MM	CR	CB	NM	JB
5	F	P	trappers	NO	C		NO	*	CT	NM	FF	CR	JB	MM
6	F	L		YES	D		YES	*	CT	FF	CB	JB	CR	MM
7	L	P	youth		D	*	NO	*	FF	CR	NM	CB	JB	MM
8	L	P		NO	C		NO	*	FF	CR	NM	CB	JB	MM
9	P	F		NO	C		NO	*	JB	CR	FF	NM	CB	CT
10	P	F		NO	C		NO	*	FF	MM	NM	CT	CB	JB
11	F	P	youth	NO	C		NO	*						
12	P	L		NO	C		NO	*	FF	NM	CB	JB	CR	MM
13				NO	C			*						
14	L	P		NO	C		NO	*	FF	CT	CR	NM	JB	CB
15	L	P	women groups	NO	C		NO	*	FF	CT	JB	CR	CB	NM
16			self & helpers	NO	C		NO	*	FF	CT	JB	CR	CB	NM
17	L	P		NO	C		NO	*	CT	CR	JB	CB	MM	NM
18	L	P		NO	C									
19	L	P		NO	C									
20	F	P	youth	NO	C		NO	*	FF					
21	F	E		NO		*	NO	*						
22	E	L		NO		*	NO	*	FF	CT				

Chisasibi number	6.7	6 Other	7.1	7.2	7.3	7 Other	8	9	10	11	11-C maybe	12
1	NM		IN	TI	LA		F	V	N			NO
2	MM		TI	IN	LA		N	N	N	NO		NO
3	CB		IN	TI	LA		F	N	N	NO		NO
4	FF		TI	LA	IN		N	V	N	NO		YES
5	CB	*	TI	IN	LA		F	V	N	YES	*	NO
6						*	M	V	V	YES	*	YES
7	CT		LA	TI	IN		N	V	F	NO	*	NO
8	MM		TI	IN	LA		F	F	N	NO		NO
9	CR		TI	IN	LA		N	V	N	NO		NO
10							N	V	N	NO	*	NO
11		*	IN	TI	LA		N	F	N	YES	*	NO
12		*	TI	IN	LA		N	N	N	YES		YES
13		*	TI	IN	LA		N	N	N	NO		NO
14	MM		TI	IN	LA		F	F	N	YES		NO
15	MM		IN	TI	LA		F	V	N	NO		NO
16	FF						F	V	N	NO	*	NO
17		*	TI	IN	LA		N	V	N	YES	*	NO
18			IN	TI	LA		F	N	N	NO		YES
19			IN	TI	LA		F	F	N	YES		NO
20			TI				N	N	N	NO		NO
21		*					N	V	N	NO		NO
22			IN	LA	TI		N	V	N	NO		NO

Other communities		Questionnaire spreadsheets: Wawanipi, Chisasibi, Other Cree communities															
number	age	gender	date	particip.	photo	speeches	focus grp	1a	1b	1c	2.1	2.2	2.3	2.4	2b	2c.1	2c.2
1	35	male	30/11/06				yes	YES	NO	NO	SO	CU	EC	EN		F	L
2	60	male	27/11/06	conf	no		yes	NO			EC	EN	CU	SO	balance	P	E
3	63	male	30/11/06				yes	YES	YES	YES	EC	EN	CU	EN	employment	E	F
4	37	male	29/11/06	non-conf	yes		yes	YES	YES	YES	SO	CU	EC	EN		E	F
5	42	male	26/11/06	non-conf	yes	yes	yes	YES	YES	YES	EC	EN	SO	CU		L	P
6	38	female	14/12/06	non-conf	no	yes	no	YES	NO	NO	CU	SO	EN	EC		L	F
7	21	male	15/12/06				no	NO	5		SO	SO	EN	EN		E	F
8	25	male	14/12/06	conf	no	yes	yes	NO	5		EC	SO	CU	EN		F	E
9	33	female	14/12/06				yes	NO			EN	SO	CU	EC			
10	27	female	02/11/06	conf	yes	yes	yes	YES	NO	NO	EN	SO	CU	EC		P	F

Other communities																	
number	2c.3	2c.4	2cOther	3	4 L goal	4 Other	5	5-C	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6 Other	7.1
1	E	P		NO	C	*	NO		CT	FF	JB	CB	NM	MM	CR		LA
2	L	F			C				CT	FF	CR	JB	NM	CB	MM	*	TI
3	L			YES	C		YES		CT	FF	CR	JB	NM	CB	MM	*	TI
4		L		NO	C		YES									*	TI
5		E		YES		*	YES	*								*	TI
6		E	students	NO	C	*	NO	*	CT	FF	MM		CR	JB	CB	*	TI
7	L	P		NO	C				CT								
8	L	P		NO	C		NO		MM	FF	CT	NM	CB	JB	CR		TI
9				NO	C		NO			FF							TI
10	E	L		NO	C		NO		CT	CT							IN

Other coms number	7.2	7.3	7 Other	8	9	10	11	11-C	12
1	TI	IN	F	F	V	N	NO		NO
2			N	N	N	N	NO		
3	IN	LA	F	F	F	F	YES		NO
4	IN	LA	M	M	F	F	YES		NO
5	IN	LA	N	N	V	N	YES		YES
6			N	N	N	N	NO		NO
7			N	N	N	N	YES		NO
8	IN	LA	N	N	F	F	YES		NO
9	IN	LA	F	F	V	V	NO		NO
10	TI	LA	N	N	N	N	NO		NO

\* \* \*



## Glossary<sup>76</sup>

agency: the ability to make history; it is only realised if specific investments are enabled and articulated (Grossberg, 1997, pp.366-367).

apparatus (or *dispositif*): a means of conceptualising a network or ensemble of both discursive and non-discursive *events* (Grossberg, 1997, p.95). The concept has also been translated into English as *grid of intelligibility* (Dreyfus & Rabinow, 1983, p.121).

archaeology: a domain of research that pertains to a certain implicit knowledge [*savoir*] special to a society (Foucault, 1998, p261). It is also defined as a method of revealing understanding beyond regulative rationality. It reconstructs intelligibility while keeping a distance from such practices (Dreyfus & Rabinow, 1983, p.258).

articulation: practices by which we struggle to produce identity or unity out of complexity, difference, and contradiction (Grossberg, 1997, pp.177-178) ; a temporary fixing of elements, meant to move beyond the possible endless circularity of a postmodernist approach (Hall, 1996 in Curran et al, pp.12-13).

context: should not be considered as something within which social identities and practices exist but as the product of these (Slack,1996, p.125).

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<sup>76</sup> The purpose of this glossary is not to provide comprehensive definitions of its contained terms but to indicate the particular meaning or significance of those terms for me with regard to this thesis.

cultural studies: an approach that views theory as a way of grounding our engagement with what confronts us and lets that engagement provide the ground for re-theorising (Slack, 1996, p.113); an approach that focuses on how people fill the void between inadequate collective representations and imperfect private meanings (Grossberg, 1997, p.211); an approach whose conceptual apparatus is not marked by historical precedent but is conditioned by an attention to the conjunctures of the historical present (Allor, 1990, p.67).

culture: the view taken in this thesis is that of a continuous process of redefinition; cultural identity is inextricably linked to an ongoing struggle over meaning (Grossberg, 1997). In his *Keywords*, Raymond Williams stated that *culture* is “one of the two or three most complicated words in the English language” (p.1). One of the reasons for this is that it is used “in several distinct and incompatible systems of thought.” (ibid) Some of the definitions of *culture* he provided were: a synonym for civilisation; works and practices of intellectual and especially artistic activity; and signifying or symbolic systems. My preferred definition, as stated above, is consistent with my theoretical approach- one that views such concepts in a non-reified, non-essentialist way and allows for action.

différend: concept that applies to a situation where one is divested of the means to argue and becomes for that reason a victim... A case of differend between two parties takes place when the settling of the conflict that opposes them is done in the idiom of one of

the parties while the wrong suffered by the other is not signified in that idiom (Lyotard, 1988, p.9).

discursive practices: characterised by the setting of norms for elaborating concepts and theories that define a legitimate perspective for a subject of knowledge (Foucault, 1997, p.11).

Eenou: inland term for a Cree person; plural, *eenouch*.

Eenou Istchee(alternate spelling, Astchee): inland term for the land of the people

Eeyou: coastal term for a Cree person; plural, *eeyouch*.

Eeyou Istchee (alternate spelling, Astchee): coastal term for the land of the people.

ethics: the philosophical study of morality (Audi, 1999, p. 284); the relation to oneself (Foucault, 1983, p.240). The view of ethics adopted within this thesis is that of techniques people use to understand themselves, which permit them to act upon themselves in a transformative manner in order to perfect themselves. This is my own definition, but one that attempts to paraphrase Foucault's concept of *technologies of the self*<sup>77</sup>.

genealogy: a form of history that can account for the constitution of social practices and meanings without conceptualising the subject in a transcendental or essentialist way. The role of genealogy is to record the development of humanity as a series of interpretations of morals, ideals, and metaphysical concepts (Foucault, 1998, p.379); a method of tracing

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<sup>77</sup> See the definition of "truth games" for more on *technologies of the self*.

how our norms got connected with regulative rationality (Dreyfus & Rabinow, 1983, p.258).

globalisation: Tomlinson (1999) defined it as an empirical condition of the modern world characterised by a developing network of interconnections and interdependences (p.1).

One of the main concerns raised about globalisation is that it makes differences seem as if they don't matter, as Stuart Hall (1991) contended (pp.31-33). In a similar vein,

Appadurai (1993) argued that the central feature of global culture today is the politics of the mutual effort of sameness and difference to cannibalize one another (p.287).

governmentality: This Foucauldian concept pertains to how controls become internalised, thus regulating attitudes and behaviours. The French expression *se gouverner* relates to how one conducts or manages oneself. The term, therefore, does not pertain to a narrow definition of "government" meaning "an institution that rules and controls" such as might be suggested by the English translation of *gouvernementalité*. Foucault (1997) defined it as the relationship of the self to itself including practices that constitute, define, organise and instrumentalise the strategies individuals can use in dealing with each other; the concept of governmentality, he stated, makes it possible to bring out the freedom of the subject and its relationship to others; this constitutes the very stuff of ethics (introduction, p.xvii).

hybridity: a concept that confronts and problematises boundaries; a heuristic device for analysing complicated entanglement (Ang, n.d.). The concept pertains mainly to the mix of races or cultures.

identity: defined by what one is *not*, it only achieves its positive through the narrow eye of the negative (Hall, in Curran et al 1996, p.21); it is structured in contradictions, and the complexity and contradictions not only within culture but also between people, culture, and power are key issues within cultural studies (Grossberg, 1997, p.12).

interpretation: every translation is at the same time an interpretation and meaning is mediated by linguistic traditions (Gadamer, 1975, pp.297-308). Foucault claimed: "If interpretation is a never-ending task, it is simply because there is nothing to interpret. There is nothing absolutely primary to interpret because, when all is said and done, underneath it all everything is already interpretation" (in Dreyfus & Rabinow, 1983, p.107).

knowledge/power: Foucauldian concept that knowledge does not exist separately from power. The processes and struggles that traverse power/knowledge determine the forms and possible domains of knowledge (Dreyfus & Rabinow, 1983, pp.110-114).

language games: concept that differences in perspective and in human interests reflected within language cannot be reconciled at a higher logistical level (Lyotard, 1988).

post-modernity: an internal critique of modernity (Dallmayr, 1993, p.31); a mindset which rejects totalising and essentialist notions.

regimes of truth: the types of discourse a society accepts and makes function as true (Foucault, 2000, p.131).

regimes of value: concept which suggests ways of addressing questions pertaining to meaning, value, what is desirable within a particular society, what are reasonable sacrifices, and what political actions are permissible within a given context (Frow, 1995, pp.139-141).

reification (or hypostasis): the process of regarding a concept or abstraction as an independent or real entity (Audi, 1999, p.409).

subjectivation (or *mode d'assujettissement*): the way in which people are invited or incited to recognise their moral obligations. This may be done in reference to divine law, natural law, or cosmological law.

subjectivity: the way in which the subject experiences himself in a game of truth where he relates to himself (Foucault, 1998, p.461).

technology of the constitution of the self: Foucauldian concept that the self is constructed in real analysable practices, not merely constituted in a symbolic system.

teleology: the philosophical doctrine that all of nature, or at least intentional agents, are goal-directed or functionally organized (Audi, Gen. Ed., 1999, p.905).

telos: the kind of being to which we aspire (Dreyfus & Rabinow, 1983, p.239); the Greek term means *end* or *purpose* (Audi, 1999).

theory: viewed by Foucault as an organising practice (Dreyfus & Rabinow, 1983, p.103).

truth games: a set of rules by which a concept of truth is produced (Foucault, 1997, p.297). *Truth games* relate to specific techniques people use to understand themselves. Foucault (1997) conceptualised four major types of these techniques or “technologies”. These include *technologies of production*, which permits one to produce, transform, or manipulate things; *technologies of sign systems*, which permits one to use signs, meanings, symbols, or signification; *technologies of power*, which determine the conduct of individuals and submit them to certain ends or domination, and *technologies of the self*, which allows one to effect by one’s own means, or with the help of others, ways of transforming oneself in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality (pp.224-225). Conceptualising self-knowledge as *truth games* does not refute the importance of different kinds of interpretations or applications of these, but refuses to accept them at face value.